



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

131

FAO-21-2025 (O&M)

Date of decision: 20.01.2026

Amar Nath (now deceased) represented by
his legal representative

...Appellant(s)

Vs.

Kesar Singh and another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Sandeep Kumar, Advocate for
Mr. G.C.Shahpuri, Advocate for the appellants.

NIDHI GUPTA, J.CM-71-CII-2025

Prayer in this application filed under Section 5 of the Limitation
Act is for condonation of delay of 61 days in filing the appeal.

2. Heard.

3. For the reasons mentioned in the application which is duly
supported by an affidavit of the applicant/appellant, the same is allowed
and delay of 61 days in filing the appeal is condoned.

FAO-21-2025 (O&M)

The present appeal has been filed by the claimants seeking
enhancement of compensation of Rs.17,68,631/- awarded by the Motor
Accident Claims Tribunal, Yamuna Nagar at Jagadhri (for short "the
learned Tribunal") vide Award dated 17.07.2024 passed in MACP Case No.

359 dated 05.09.2018 filed under Section 166 of the Motor Vehicles Act,



1988. The 3 claimants are the widow and 2 minor children of the deceased Amar Nath, who was 40 years old at the time of accident.

2. Brief facts of the case are that the Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased- Amar Nath had died due to the injuries suffered by him in a motor vehicular accident that took place on 19.09.2017 due to the rash and negligent driving of a Car bearing registration No.HR71B-6944 (hereinafter “the offending vehicle”) being driven and owned by respondent No.1; and insured by respondent No.2. The Tribunal awarded the above compensation along with interest @ 7.5% per annum. Both respondents were held liable to pay the compensation jointly and severally and respondent No.2 was directed to indemnify the claimants.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that learned Tribunal has wrongly taken the income of the deceased as only Rs.8,280/- p.m. It is contended that the appellants have duly proved on record that the deceased was doing dairy farming and was also a Labour Contractor, from which he was earning Rs.45,000/- p.m. Thus, income of the deceased deserves to be enhanced. It is further submitted that as the deceased was 40 years old, future prospects of 40% ought to have been added; whereas learned Tribunal has added future prospects of 25% only. It is contended that interest ought to have been awarded @ 12% p.a. He accordingly prays that the present Appeal be allowed; and the impugned Award be modified as above.



4. No other argument is raised on behalf of the appellants. I have heard Id. Counsel and perused the case file in detail.

5. It was the pleaded case of the appellants before the learned Tribunal that the deceased was doing dairy farming and was also a Labour Contractor i.e. providing labour on contract and was earning Rs.45,000/- p.m. However, the record reveals that the appellants were unable to produce any proof of income. No bank account statements or income tax returns were produced by the appellant to prove the alleged income of the deceased. Accordingly, Tribunal had assessed notional income of the deceased as Rs.8,280/- p.m. on the basis of Minimum Wage Notification dated 02.03.2017 issued by the State of Haryana. I find no error in the same.

6. Age of the deceased was determined to be 40 years on the basis of his Postmortem Report Ex.P58. It is the contention of learned counsel for the appellants that future prospects @ 40% are to be added. However, the Hon'ble Supreme Court in "**Sarla Verma Vs. Delhi Transport Corporation**" (2009) AIR (SC) 3104 Law Finder Doc ID # 188882, is very clear that 40% future prospects are liable to be added only in case the deceased is "*below*" 40 years of age. In the present case, admittedly, the deceased is above 40 years. As such, learned Tribunal had correctly made addition of 25% towards future prospects. As deceased was 40 years old, multiplier of 15 was correctly applied. As the claimants were 3 in number, deduction of 1/3rd was correctly made. Accordingly, learned Tribunal has calculated the compensation in the following manner: -



Sr. No.	Heads of Claim	Tribunal	Entitlement
1.	Annual income (Taking minimum wages as Rs.8,280/- per month) (rounded off to Rs.8,200/-)	Rs.98,400/-	
2.	Addition (Future Prospect @ 25%)	Rs.98,400 x 25/100=Rs.24,840/-	
3.	Total Income	Rs.1,23,240/-	
4.	Deduction for personal and living expenses	1/3 of Rs.1,23,240/- = Rs.41,080/-	
5.	Net income for assessment	Rs.82,160/- (rounded off to Rs.82,000/-)	
6.	Multiplier	15	
7.	Loss of income	Rs.82,000/- x 15= Rs.12,32,400/-	
8.	Loss of consortium	Rs.48,000/-	Claimant no.1 (10% increase for every three years on the basic amount of Rs.40,000/-)
9.	Loss of natural love and affection	Rs.48,000/- each	Claimant no.2 and 3 (10% increase for every three years on the basic amount of Rs.40,000/-)
10.	On account of medical expenses	Rs.3,56,231/-	Claimant no.1
11.	Loss of Estate	Rs.18,000/-	Claimant no.1 (10% increase for every three years on the basic amount of Rs.15,000/-)
12.	Funeral expenses	Rs.18,000/-	Claimant no.1 (10% increase for every three years on the



			basic amount of Rs.15,000/-)
	Total	Rs.17,68,631/-	Interest at the rate of 7.5% per annum from the date of filing of the petition.

7. Thus, nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellants. Rather, perusal of the above competition shows that claimants have been awarded compensation in excess of what is admissible to them as per law; as, Claimants have been awarded consortium as well as loss for love and affection. No doubt Chapter-12 of the Act is a beneficial legislation yet, as cautioned by the Hon’ble Supreme Court, the same cannot be allowed to be treated as a windfall or a source of profit. Hon’ble Supreme Court in ‘**State of Haryana Vs. Jasbir Kaur**’ Law Finder Doc ID # 64043 and ‘**Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty**’ (2003) 7 SCC 197, has held that the amount of compensation should be just and reasonable, it should neither be a bonanza nor a source of profit but at the same time it should not be a pittance. In case of ‘**General Manager, KSRTC Vs. Susamma Thomas and others**’ (1994) 2 SCC 176, the Hon’ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

8. Keeping in view the above factual and legal position, no ground is made out to interfere in the impugned Award. The present Appeal is accordingly **dismissed**.



9. Pending application(s) if any also stand(s) disposed of.

20.01.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No