

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****118****FAO-2988-2021 (O&M)****Date of decision: 23.09.2025****Bimla and another****...Appellant(s)****Vs.****Balkar and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Parveen Moudgil, Advocate
for the appellants.

*********NIDHI GUPTA, J.**

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.30,11,000/- awarded by the learned Motor Accident Claims Tribunal, Jind (hereinafter referred to as "the learned Tribunal") vide Award dated 12.02.2020 passed in MACP Case No. 245 dated 24.08.2018 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The two claimants are 38-year-old mother and 42-year-old father of the deceased Rahul, who was 18 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Rahul had died due to the injuries suffered by him in a motor vehicular accident that took place on 02.08.2018 due to the rash and negligent driving of a Bus bearing registration No.HR-65-5911 (hereinafter "the offending vehicle") being driven by respondent No.1; owned by



respondent No.2; and insured by respondent No.3. The Tribunal awarded the above compensation along with interest @ 7.5% per annum. All the respondents were held liable to pay the said compensation jointly and severally.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that the funeral expenses of Rs.15,000/- awarded by the learned Tribunal are on the lower side. The Tribunal has also failed to award anything on account of pain, suffering and mental agony suffered by the appellants. It is contended that even deduction of 1/3rd should have been made instead of 1/2 deduction. Nothing has been awarded towards love and affection. Even the rate of interest is on the lower side as 7.5% p.a.; whereas the same should be 18%. He accordingly prays that the present Appeal be allowed; and the impugned Award be modified by enhancing compensation in above terms.

4. No other argument is raised on behalf of the appellants. I have heard Id. Counsel and perused the case file in detail. I find no merit whatsoever in the submissions made on behalf of the appellants.

5. It was the pleaded case of the appellants that prior to the accident in question, deceased was working as Salesman and was earning Rs.18,000/- p.m. The appellants had produced PW2 Atma Ram, Proprietor of Petrol Pump where the deceased was working, who had produced and proved the Employer's Certificate Ex.P2 regarding the employment of the deceased, and copies of the salary deposit details Ex.P3 and Ex.P4 and had deposed that the deceased was working as Salesman since 01.04.2018



and was getting salary of Rs.18,000/- p.m. Appellants had also produced PW3 Sandeep Clerk, State Bank of India, Jind, who had produced bank account statement of the deceased for the year 2018-2019 Ex.P5 and Ex.P6 which reflected deposits of Rs.18,000/- on 15.05.2018, 25.06.2018 and 19.07.2018. Accordingly, learned Tribunal had taken income of the deceased as Rs.18,000/- p.m. I find no error in the same.

6. Further age of the deceased was determined to be 18 years on the basis of Postmortem Report Ex.P7. However, learned Tribunal in contravention of the structured formula given by the Hon'ble Supreme Court had made addition of 50% towards future prospects; whereas the same ought to have been 40%; thereby calculating monthly income to be Rs.27,000/- (Rs.18,000+ Rs.9,000). As the deceased was bachelor, deduction of 50% was correctly made; and multiplier of 18 was also correctly applied; thereby calculating annual dependency to be Rs.29,16,000/- (Rs.27,000-13,500 x 12 x 18). Learned Tribunal had further awarded a sum of Rs.40,000/- each to both the claimants towards filial consortium; as also Rs.15,000/- towards funeral expenses; thereby granting total compensation of Rs.30,11,000/-(Rs.29,16,000 + Rs.80,000+Rs.15,000).

7. No doubt, learned Tribunal has not awarded ₹15,000/- towards loss of estate, however considering the fact that excessive addition of 50% has been made towards future prospects, I find no ground is made out to enhance compensation awarded to the appellants as



appellants have already been granted compensation in excess of what is admissible to them as per law.

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

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

23.09.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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