

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

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FAO-4158-2019 (O&M)
Date of decision: 27.08.2025**Sero and another****...Appellant(s)****Vs.****Tarvinder Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Arun Kumar, Advocate for
Mr. Keshav Pratap Singh,
for the appellants.

NIDHI GUPTA, J.**CM-13530-CII-2019**

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 2 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant/appellant No.2, the same is allowed and delay of 2 days in filing the accompanying appeal is condoned.

FAO-4158-2019 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.17,91,682/- awarded by the Id. Motor Accident Claims Tribunal, Mohali (hereinafter "the Id. Tribunal")



vide Award dated 04.12.2018 passed in MACT No. 66 dated 09.08.2017 filed under Section 166 of Motor Vehicles Act, (hereinafter “the Act”). The 2 claimants are the 51-year-old widow; and 31-year-old daughter of the deceased Avtar Singh, who was 57 years and 9 months 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-Avtar Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 08.03.2017 due to the rash and negligent driving of a Maruti Car bearing registration No. HR03-C-0258 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The learned Tribunal awarded the above said compensation along with interest @ 7.5% per annum. Respondents No. 2 and 3 were held liable to pay the said compensation jointly and severally.

3. It is submitted by learned counsel for the appellants that deceased Avtar Singh, was 57 years old, at the time of accident. He was working as Peon in Forest Department of Punjab and was posted in the office of Divisional Forest Officer and was earning 30,000/- per month. The claimants were the widow and the daughter of the deceased. They were dependent upon the earnings of deceased Avtar Singh. As such, now they have sought compensation to the extent of Rs. 45 Lacs, on account of death of Avtar Singh, in motor vehicular accident.



4. Enhancement of compensation is sought on the grounds that the appellants are entitled to consortium of Rs.40,000/- each. Moreover, interest has been awarded @ 7.5% p.a., which is on the lower side and deserves to be enhanced by 12% p.a.

5. It is accordingly prayed that present Appeal be allowed; and the compensation be enhanced in the above manner.

6. 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.

7. Learned Tribunal has awarded the compensation in the following manner: -

(i) At the time of accident, deceased was 57 years 9 months old as proved from his Aadhar Card Ex.PW2/B in which date of birth is mentioned as 19.12.1959.

(ii) Deceased was working as peon in the Forest Department and earning Rs.30,000/- p.m. as proved from service book Ex.PW3/B; attendance register for the month of March 2017 Ex.PW3/C; salary statement Ex.PW3/D. After making deduction of income tax and other permissible and valid deductions, learned Tribunal had taken income of the deceased as Rs.31,000/-p.m.

(iii) As deceased was 57 years old, future prospects were added @ 15%; thereby calculating monthly income of the deceased as Rs.35,650/-.



(iv) As there were 2 claimants, deduction of 1/3rd was made; thereby calculating monthly income as Rs.23,766/- p.m. As deceased was to retire on 31.12.02021, accordingly after calculating length of service, learned Tribunal had calculated total dependency of the deceased to be Rs.6,41,682/- (Rs.23766 x 27 = Rs.6,41,682/-) as detailed in para 19 of the impugned Award. After retirement, learned Tribunal had assessed notional monthly income of the deceased to be Rs.15,000 and made deduction of 1/3rd thereupon; thereby taking his monthly income to be Rs.10,000/-p.m. and calculating annual dependency to be Rs.1,20,000/- to which multiplier of 9 was applied thereby calculating total dependency as Rs.10,80,000 (1,20,000 x 9=Rs.10,80,000/-).

(v) Learned Tribunal had further awarded Rs.40,000/- towards loss of consortium; Rs.15,000/- for loss of estate; and Rs.15,000/- for funeral expenses; thereby granting total compensation of Rs.17,91,682/- (Rs.11,50,000 + 6,41,682=Rs.17,91,682).

8. It also needs to be pointed out that despite repeated Court queries, learned counsel for the appellants has given no information as to the benefits received by the appellants from the State upon the death of Avtar Singh, which are necessary deductions to be made in terms of recent judgment of Hon'ble Supreme Court in ***Krishna v. Tek Chand, (SC): Law Finder Doc ID # 2531576.***

9. From the above facts, it is clear that a very just and fair compensation has been awarded to the appellants. Nothing whatsoever has been shown to this Court that would merit enhancement of the



compensation granted to the appellants. 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 and another"*** **(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.

10. Further, a 3-Judge Bench judgment of the Hon'ble Supreme Court in the case of ***"Reshma Kumari v. Madan Mohan (SC) 2013(5) Scale 160; Law Finder Doc ID # 421379;*** holding that: *"Motor Vehicles Act, 1988, Section 168 - Section 168 provides that amount of compensation awarded by the Claims Tribunal which appears to it to be just - The expression, 'just' means that the amount so determined is fair, reasonable and equitable by accepted legal standards and not a forensic lottery - Obviously 'just compensation' does not mean 'perfect' or 'absolute' compensation - The just compensation principle requires examination of the particular situation obtaining uniquely in an individual case."*



11. In view of the above, no ground is made out to interfere in the impugned Award dated 04.12.2018. Accordingly, the present appeal is hereby **dismissed**.

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

27.08.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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