



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 25.03.2025

FAO-701-2023(O&M)

Jagdish & Others

...Appellant(s)

Vs.

Vikas Bhatti & Another

...Respondent(s)

FAO-1213-2023(O&M)

Jagdish & Others

...Appellant(s)

Vs.

Vikas Bhatti & Another

...Respondent(s)

FAO-702-2023(O&M)

Sandeep & Another

...Appellant(s)

Vs.

Vikas Bhatti & Another

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. K.S. Dhanora, Advocate
for the appellants.

NIDHI GUPTA, J.

CM-2564-CII-2023 IN FAO-701-2023

This is an application u/s 5 of the Limitation Act for condonation of delay of 103 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of the applicant, the same is allowed subject to all just exceptions and delay of 103 days in filing the present appeal is condoned.

**CM-4576-CII-2023 IN FAO-1213-2023**

This is an application u/s 5 of Limitation Act for condonation of delay of 103 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of the applicant, the same is allowed subject to all just exceptions and delay of 103 days in filing the present appeal is condoned.

CM-2565-CII-2023 IN FAO-702-2023

This is an application u/s 5 of Limitation Act for condonation of delay of 103 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of the applicant, the same is allowed subject to all just exceptions and delay of 103 days in filing the present appeal is condoned.

MAIN CASE

FAO-701-2023 has been filed by the claimants seeking enhancement of compensation of Rs.17,43,600/- awarded by the Motor Accident Claims Tribunal, Hisar vide Award dated 10.05.2022 passed in MACP/513/2019 titled as "Jagdish & Others Vs. Vikas Bhatti & Another", filed by the appellants/claimants under Section 166 of the Motor Vehicles Act seeking compensation on account of death of Jagat Ram. The 3 claimants are the 62-year-old father; 60-year-old mother and a 2-and-a-half-year-old daughter of the deceased Jagat Ram. The above said



compensation was granted along with interest @ 9% per annum from the date of filing of claim petition till its realisation.

FAO-1213-2023 has also been filed by the claimants seeking enhancement of compensation of Rs.18,44,400/- awarded by the Motor Accident Claims Tribunal, Hisar vide Award dated 10.05.2022 passed in MACP/512/2019 titled as “Jagdish & Others Vs. Vikas Bhatti & Another”, filed by the appellants/claimants under Section 166 of the Motor Vehicles Act seeking compensation on account of death of Sarita w/o Jagat Ram. The 3 claimants are the 62-year-old father-in-law; 60-year-old mother-in-law, and 2-and-a-half year-old daughter of the deceased Sarita. The above said compensation was granted along with interest @ 9% per annum from the date of filing of claim petition till its realisation.

FAO-702-2023 has also been filed by the claimants seeking enhancement of compensation of Rs.5,10,000/- awarded by the Motor Accident Claims Tribunal, Hisar vide Award dated 10.05.2022 passed in MACP/539/2019 titled as “Sandeep & Another Vs. Vikas Bhatti & Another”, filed by the appellants/claimants under Section 166 of the Motor Vehicles Act seeking compensation on account of death of Seema @ Sneha. The 2 claimants are the parents of the deceased Seema @ Sneha. The above said compensation was granted along with interest @ 9% per annum from the date of filing of claim petition till its realisation.

All the above appeals are being disposed of by this common order as they arise out of the same common Award dated



10.05.2022 passed by the Motor Accidents, Claims Tribunal, Hisar; and out of the same accident dated 21.06.2019; and because the parties, facts, and issues in all the 3 appeals are identical. For the sake of convenience, the facts are being drawn from, and the parties are being referred to as per their status in FAO-701-2023.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and oral & documentary evidence adduced before it concluded that the deceased Sarita, Jagat Ram and Seema @ Sneha had died due to the injuries suffered by them in a motor vehicular accident that took place on 21.06.2019 due to the rash and negligent driving of Swift Dzire car bearing registration No.HR-12Z-8225(hereinafter referred to as “the offending vehicle”)being driven by respondent No.1.The offending vehicle was owned by respondent No.1 and insured by respondent No.2.

3. The common facts as enumerated by the claimants in their respective claim petitions are that on 21.06.2019 Jagat Ram along with his wife Sarita and minor son Roshan and her niece Seema had gone to Uttrada to attend a marriage function and after attending the said function they were returning to village Dhani Mohabbatpur, District Hisar on motor cycle bearing registration No. HR20AK-8850 which was being driven by Jagat Ram at a moderate speed. At about 7-30 p.m. when they reached near Gaushala in the area of village Sherpura, a Maruti Swift Dzire Car bearing registration No. HR12Z-8225/the offending vehicle, came from village Chhani side, which was being driven by respondent No.1 at a very



fast speed, in a rash and negligent manner and while coming on the wrong side of the road, hit his car into the motor cycle of Jagat Ram, as a result of which, all the occupants of motor cycle fell down, sustained multiple grievous injuries and succumbed to the injuries sustained by them in the accident. It has been further averred that the accident took place due to sole rash and negligent driving of Maruti Swift Dzire Car bearing registration No. HR12Z-8225 by the respondent No.1. The accident was witnessed by Krishan, Rajender, Ram Jas Solanki and Jan Mohammad and on the statement of eye-witness Krishan son of Munshi a FIR No.186 dated 21.06.2019 under sections 279, 337 and 304-A IPC was registered at Police Station Bhadra.

4. Learned counsel for the appellants seeks enhancement of compensation on the ground that income of the deceased Jagat Ram has been taken on the lower side; learned Tribunal has applied very less multiplier; less future prospects have been awarded; and less amount has been awarded under the conventional heads.

5. No other argument is made on behalf of the appellants.

6. I have heard learned counsel for the appellants and perused the case file in great detail.

7. Record reveals that in respect of deceased Jagat Ram (in FAO-701-2023), it was the pleaded by the claimants before the learned Tribunal that Jagat Ram was driver by profession and earning Rs.15,000/- per month. However, as no evidence was led by the claimants in respect of



the income **or occupation**, of deceased Jagat Ram, his income was taken to be Rs.9,000/- per month as that of a daily wager. As the claimants were 3 in number being parents and minor daughter of deceased Jagat Ram, deduction of 1/3rd was made. Deceased Jagat Ram was proven to be 28 years old at the time of death on the basis of his Post-Mortem Report (Ex.P9), as such, future prospects were correctly added @ 40%. Multiplier of 17 was applied in conformity with the law as laid down by the Hon'ble Supreme Court in **"Sarla Verma Vs. Delhi Transport Corporation" (2009) AIR (SC) 3104 Law Finder Doc ID # 188882**. Learned Tribunal further awarded Rs.15,000/- for loss of estate/love & affection and Rs.15,000/- for funeral expenses. Thus, granting total compensation of Rs.17,43,600/- on account of death of Jagat Ram in following manner:-

Sr. No.	Heads of claim	
1	Income	Rs.9,000/- x 12 = Rs.1,08,000/- per annum
2	40% future prospects	Rs.43,200/-
3	1/3 rd deducted as personal expenses of the deceased	Rs.1,08,000/- + Rs.43,200/- = Rs.1,51,200/- after deduction 1/3 rd comes to Rs.1,00,800/-
4	Compensation after applying multiplier of 17	Rs.1,00,800/- x 17 = Rs.17,13,600/-
5	Loss of love & affection	Rs.15,000/-
6	Transportation and funeral expenses	Rs.15,000/-
7	Total compensation	Rs.17,43,600/-

8. FAO-1213-2023 has been filed on account of death of Sarita wife of Jagat Ram. The learned Tribunal found that age of the deceased Sarita was about 24 years on the basis of her Post-Mortem Report (Ex.P8). As per the pleaded case of the claimants (parents-in-law and minor



daughter of deceased Sarita), the deceased Sarita was doing work of tailoring and embroidery and earning Rs.15,000/- per month. However, the claimants failed to lead any evidence in this regard. Thus, the learned Tribunal had taken notional income of the deceased as Rs.9,000/- per month towards services rendered by deceased Sarita to her family. As Claimants were 3 in number, deduction of 1/3rd was made. Addition of 40% was made towards future prospects. As deceased was 24 years old at the time of death, learned Tribunal further applied multiplier of 18 in conformity with the law as laid down by the Hon'ble Supreme Court in **"Sarla Verma Vs. Delhi Transport Corporation" (2009) AIR (SC) 3104 Law Finder Doc ID # 188882**. Learned Tribunal further granted Rs.15,000/- towards loss of love & affection and Rs.15,000/- towards funeral expenses. Thus, granting total compensation of Rs.18,44,400/- in following manner:-

Sr. No.	Heads of claim	
1	Income	Rs.9,000/- x 12 = Rs.1,08,000/- per annum
2	40% future prospects	Rs.43,200/-
3	1/3 rd deducted as personal expenses of the deceased	Rs.1,08,000/- + Rs.43,200/- = Rs.1,51,200/- after deduction 1/3 rd comes to Rs.1,00,800/-
4	Compensation after applying multiplier of 18	Rs.1,00,800/- x 18 = Rs.18,14,400/-
5	Loss of love & affection	Rs.15,000/-
6	Transportation and funeral expenses	Rs.15,000/-
7	Total compensation	Rs.18,44,400/-

9. FAO-702-2023 has been filed on account of death of Seema @ Sneha. The learned Tribunal found that age of the deceased Seema @ Sneha was about 5 years on the basis of her Post-Mortem Report



(Ex.P6). Notional income of the deceased was taken to be Rs.30,000/- per annum by relying upon judgment of the Hon'ble Supreme Court in "**Krishan Gopal Vs. Lala & Others**" **2013 (4) RCR (Civil) 276**. The learned Tribunal further applied multiplier of 16. Learned Tribunal also granted Rs.30,000/- under the conventional heads. Thus, granting total compensation of Rs.5,10,000/- on account of death of child Seema @ Sneha. The 2 claimants are the parents of deceased Seema @ Sneha.

10. 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. Accordingly, in view of the discussion above, I find no case is made out which merits interference with the impugned Award. 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 & Another Vs. Jasbir Kaur & Others**' **Law Finder Doc ID # 64043** and '**Divisional Controller K.S.R.T.C. Vs. Mahadev 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. Thus, all that has to be determined in the facts of a given case is, that the compensation accorded is 'just'. In my considered view, in the present case, the learned Tribunal has awarded a very 'just'



compensation, which is in accordance with the law laid down by the Hon'ble Supreme Court and therefore, does not warrant the interference of this Court. In the case of "**General Manager, KSRTC Vs. Susamma Thomas & Others**" 1994 Volume-II SCC 176, the Hon'ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

11. Learned counsel for the appellants is unable to dispute or controvert the aforesaid facts and findings.

12. In view of the above, both the present appeals are **dismissed.**

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

25.03.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No