

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

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FAO-3116-2024 (O&M)
Date of decision: 28.08.2025**Punjab Road Transport Corporation****...Appellant(s)****Vs.****Suman Devi****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Hardeep S.Saini, Advocate for
the appellant through V.C.***********NIDHI GUPTA, J.****CM-11219-CII-2024**

Prayer in this application filed under Section 151 CPC is for condonation of delay of 32 days in refiling the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is duly supported by an affidavit of learned counsel the applicant/appellant, the same is allowed and delay of 32 days in refiling the accompanying appeal is condoned.

CM-11220-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 90 days in filing the accompanying appeal.

2. Heard.



3. For the reasons mentioned in the application which is duly supported by an affidavit of learned counsel the applicant/appellant, the same is allowed and delay of 90 days in filing the accompanying appeal is condoned.

FAO-3116-2024 (O&M)

The present appeal has been filed by owner of the offending vehicle against the Award dated 25.10.2023 passed by the Id. Motor Accident Claims Tribunal, Kaithal (hereinafter “the learned Tribunal”); whereby claim petition No. 114 dated 06.05.2022 filed by the claimants/respondents No.1 and 2 herein, under Section 166 of the Motor Vehicles Act, (hereinafter “the Act”), has been allowed; and claimants have been granted compensation of Rs.15,96,814/- on account of death of Kuldeep due to the injuries suffered by him in a motor vehicular accident dated 08.04.2022 due to the rash and negligent driving of a Bus bearing registration No. PB-13-AF-1062 (hereinafter “the offending vehicle”) being driven by respondent No.3; and owned by the appellant/Corporation herein. The two claimants are the parents of the deceased. The learned Tribunal awarded the above said compensation along with interest @ 7.5% per annum. All the respondents were held liable to pay the said compensation jointly and severally. The details of the Insurance Company of the offending vehicle were not disclosed by the appellant. As such, liability was fixed upon the appellant.

2. Learned counsel for the appellant assails impugned Award by submitting that learned Tribunal has failed to consider and appreciate that



there is no evidence on record to prove that the accident was caused due to rash and negligent driving of aforesaid Bus by respondent No.3. Learned Tribunal has also failed to consider that the appellant in the written statement has specifically taken the plea that no accident has ever taken place with the Bus bearing registration No. PB-13-AF-1062 and the respondent No. 1 and 2 has not produced any record to prove that the accident was taken place with the said Bus.

3. It is further submitted that no finding has been given by the learned Tribunal in respect of the testimony of the alleged eyewitness Nanu. It is contended that mere registration of an FIR against respondent No. 3 would not in itself establish any rashness and negligence on the part of respondent No.3.

4. Even on quantum, income of the deceased has been taken on the higher side as Rs.10,098/-p.m. It is submitted that the deceased was only 21 years old at the time of the accident. There is no evidence that he was employed anywhere and earning Rs.60,000/- p.m. as alleged by the claimants. Moreover, claimant No.2/father of the deceased was not dependent upon him; thereby not liable for grant of any compensation. Learned counsel accordingly prays that the impugned Award suffers from material errors and the same may be set aside and the claim petition be dismissed in the interest of justice.

5. No other argument is raised on behalf of the appellant.

6. I have heard Id. Counsel and perused the case file in detail.



7. It has firstly been contended by the appellant that involvement of the offending vehicle has not been proved on record. However, the said contention of the appellant is borne out to be patently false as it is categorically recorded by the learned Tribunal in para 8 of the impugned Award that as per testimony of the eyewitness PW2 Nanu, who was accompanying the deceased at the time of accident on another motorcycle, it was proved on record that the accident had been caused by the offending Bus which was being driven by respondent No.3 in a rash and negligent manner. Thus, learned Tribunal has categorically found that the accident in question was caused due to rash and negligent driving of the offending Bus by respondent No.3. This also sets at naught the argument of learned counsel for the appellant that the testimony of eyewitness Nanu has not been considered by the learned Tribunal in passing the impugned Award. As such, the impugned Award, suffers from no error and the findings are therefore reiterated. Rashness and negligence are also proved from the candid admission of learned counsel for the appellant on Court query that respondent No.3 stands convicted in the FIR Ex.P5.

8. As regards quantum of compensation, contention of the appellant that the income of the deceased has been taken on the higher side as Rs.10,098/-p.m., is also misplaced. The said income has been assessed on the basis of Notification dated 08.04.2022 issued by the Labour Commissioner, Haryana, as per which, income admissible to an unskilled labour is Rs.10,098/- p.m. Further, learned Tribunal has taken



due note of the fact in para 9 of the impugned Award that claimant No.3/minor brother and the claimant No.2/father of the deceased “cannot be treated as financial dependent on the income of the deceased.” Accordingly, learned Tribunal has made a deduction of 50% towards personal expenses; and has calculated compensation in the following manner: -

Sr. No.	Heads	Amount
1.	Monthly income	Rs.5,049/-
2.	Annual income (5049 x 12)	Rs.60,588/-
3.	Plus Future prospects @ 40%	Rs.24,235/-
4.	Total Amount (Annual Income)	Rs.84,823/-
5.	Multiplier of 18	84823 x 18 = Rs.15,26,814/-
6.	Loss of Estate	Rs.15,000/-
7.	Loss of parental Consortium to claimants	Rs.40,000/-
8.	Funeral expenses	Rs.15,000/-
	Total compensation	Rs.15,96,814/-with interest @ 7.5% p.a.

9. In view of the above, no ground is made out to interfere in the impugned Award dated 25.10.2023. Accordingly, the present appeal is hereby **dismissed**.

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

28.08.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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