



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

**FAO-2017-2025 (O&M)
Reserved on: 18th July 2025
Date of decision: 24th July 2025**

HARI DEVI AND ORS **.....Appellants**

versus

DEEPAK AND ORS **.....Respondents**

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Deepsikha, Advocate for
Mr. Sandeep Kumar Goyat, Advocate
for the appellants.

HARPREET KAUR JEEWAN, J.

CM-6421-CII-2025

In view of the averments made in the application, the same is allowed. Delay of 70 days in re-filing the present appeal, is condoned.

CM stands disposed of.

Main case

1. The present appeal has been filed by the appellants, who are the widow, daughter and son respectively, of deceased-Puran Singh, for setting aside the Award dated 24.09.2024, passed by the learned Motor Accident Claims Tribunal, Hisar, seeking enhancement of the compensation awarded by the Tribunal.
2. As per the brief facts, on 15.11.2021, Puran Singh, husband of appellant No.1, was going from Village Satrod Khas towards his house on a Scooty bearing Registration No.HR-20AM-9538. When he reached the South Bypass near Sectors 16-17, Hisar, a car bearing Registration No.



HR-21N-1892 came from the opposite side and hit the scooty being driven by the deceased-Puran Singh, as a result of which, Puran Singh sustained multiple grievous injuries. He was taken to General Hospital, Hisar, where he was declared brought dead.

2.1 A case bearing FIR No.507 dated 16.11.2021, under Sections 279, 304-A, 427 IPC, was registered at Police Station Civil Lines, Hisar, on the basis of a statement made by appellant No.3-Himanshu (son of the deceased). The appellant had alleged that the deceased was a Salesman in Singla Wine Company and was getting a salary of ₹20,000/- per month.

2.2 The petition was contested by the owner and driver of the car (respondent No.1) as well as by the Insurance Company (respondent No.3). After framing issues and considering the evidence led by both the parties, the Tribunal passed the Award dated 24.09.2024, as per which, the Tribunal held respondent No.1 (driver) guilty of rash and negligent driving. The age of the deceased was considered as 51 years and his income was considered as ₹10,000/- per month. On the basis of the age and income of the deceased, the Tribunal assessed and awarded compensation to the appellants as follows:-

Occupation	Labourer/daily wages	
Sr. No.	Heads	Calculation (in Rs.)
(i)	Income	11,000/- per month
(ii)	1/3rd of the (i) deducted as personal expenses of the deceased	11,000-3,666 = 7,334/- (say Rs.7,334/- per month)
(iii)	Compensation after multiplier of '11' is applied	7,334 x 12 x 11 = Rs.9,68,088/- (In round figure = Rs.9,68,000/-)
(iv)	Loss of Estate	15,000/-
(v)	Loss of consortium to petitioners No.1 to 3	1,20,000/- (Rs.40,000/- to each of the petitioner)
(vi)	Funeral expenses	15,000/-
Total Compensation awarded		Rs.11,18,000/-



3. Learned counsel for the appellants contends that the learned Tribunal has wrongly discarded the evidence led by the appellants while considering the income of the deceased as ₹10,000/- per month instead of ₹20,000/- per month. It is further contended that the rate of interest awarded to the appellants is 6% per annum, which is on a lower side.

4. I have considered the aforesaid submissions and perused the paper book.

5. No doubt, appellant No.1 (wife of the deceased) appeared as PW-1 and appellant No.3-Himanshu (son of the deceased) appeared as PW-3 and they have stated that the deceased was working as a Salesman in Singla Wine Company and his income was ₹20,000/- per month. However, the appellants have not examined any witness from the said Wine Shop to prove the alleged salary of the deceased at the rate of ₹20,000/- per month. There is no documentary evidence on record to corroborate the contention of the appellants that the salary of the deceased was ₹20,000/- per month. In such circumstances, the Tribunal has rightly considered the income of the deceased as ₹10,000/- per month. Apart from this, keeping in view the prevalent rate of interest, the award of interest by the Tribunal at the rate of 6% per annum, also does not call for any interference.

6. Keeping in view the aforesaid facts and circumstances, the Award passed by the tribunal is well-reasoned and based on evidence on record, as such, no interference by this Court in the impugned Award is called for.



7. Consequently, the Award dated 24.09.2024, passed by the learned Motor Accident Claims Tribunal, Hisar, is upheld and the present appeal, being devoid of merits, stands dismissed.

8. Pending miscellaneous applications, if any, shall stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

24th July 2025

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Whether speaking/reasoned : *Yes/No*

Whether reportable : *Yes/No*