



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

**114**

**Date of decision: 27.08.2025**

**FAO-1179-2018(O&M)**

**Sanjogita Rani & Others**

**...Appellant(s)**

**Vs.**

**Paramjit Singh & Others**

**...Respondent(s)**

**\*\*\***

**FAO-1181-2018(O&M)**

**Sanjogita Rani**

**...Appellant(s)**

**Vs.**

**Paramjit Singh & Others**

**...Respondent(s)**

**\*\*\***

**FAO-1072-2018(O&M)**

**Sanjogita Rani**

**...Appellant(s)**

**Vs.**

**Paramjit Singh & Others**

**...Respondent(s)**

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Jasraj Singh, Advocate  
for the appellant(s).

**\*\*\***

**NIDHI GUPTA, J.**

**CM-4030-CII-2018 IN FAO-1179-2018**

Present application under Section 5 of the Limitation Act is filed seeking condonation of delay of 1 day in filing the present 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 1 day in filing the present appeal is condoned.

**CM-4031-CII-2018 IN FAO-1181-2018**

Present application under Section 5 of the Limitation Act is filed seeking condonation of delay of 1 day in filing the present 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 1 day in filing the present appeal is condoned.

**MAIN CASE**

All the present three appeals are being disposed of by this common order as all appeals arise out of the same accident dated 18.03.2016; and parties, facts and alleged offending vehicle in all cases, are identical. However, each matter is individually considered on merits.

**FAO-1179-2018**

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.86,10,000/- awarded by Motor Accident Claims Tribunal, Hoshiarpur (hereinafter referred to as 'the learned Tribunal') vide Award dated 04.08.2017 passed in MACT case No.23 dated 25.04.2016 filed under Section 166 of the Motor Vehicles Act (hereinafter referred to as "the Act"), on account of death of Krishan Gopal in a motor vehicular accident that took place on 18.03.2016 due to the rash



and negligent driving of Swift Car bearing registration No.PB-19K-9394 (hereinafter referred to as “the offending vehicle”) by respondent No.1. The offending vehicle was owned by respondent No.2 and insured by respondent No.3. The 4 claimants/appellants are the widow, 19-year-old daughter, 20-year-old son and 80-year-old mother of deceased Krishan Gopal.

2. Learned Tribunal upon appraisal of pleadings and oral & documentary evidence adduced by the parties concluded that deceased Krishan Gopal had died due to the injuries suffered by him in a motor vehicular accident that took place on 18.03.2016 due to the rash and negligent driving of the offending vehicle by respondent No.1.

3. It is submitted by learned counsel for the appellants that the aforesaid compensation deserves to be enhanced as income of the deceased has been taken on the lower side as only Rs.50,000/- per month. Learned counsel submits that the appellants had demonstrated before the learned Tribunal by way of comprehensive evidence that gross salary of the deceased was Rs.75,000/- per month. It is submitted that the appellants had produced Salary Slips of the deceased for 12 months prior to his death and even if average of the same was to be drawn, then deceased was drawing average salary of Rs.59,632/- per month. It is accordingly submitted that compensation awarded to the appellants deserves to be enhanced as income of the deceased ought to have been taken as



Rs.59,632/- per month; whereas the learned Tribunal has taken it only as Rs.50,000/- per month. It is further submitted that even amounts awarded under the conventional heads are on the lower side; and the same also deserve to be enhanced.

4. No other argument is made on behalf of the appellants.
5. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions made on behalf of the appellants.
6. The pleaded case of the appellants in their Claim Petition before the learned Tribunal as recorded in Para 2 of the impugned Award is as follows:-

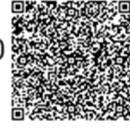
*“2. In brief the facts of the case as submitted by the claimants are that on 18.3.2016 the deceased alongwith his wife applicant Sanjogita Rani was coming to Barnala town from Dhaula Factory on their Activa scooter bearing registration No. PB-19-L-2973 for their domestic work and at about 7:00 pm when they reached near Katcheri chowk, Pucca college road Barnala, a Swift Car bearing registration No. PB-19-K-9394 came at a high speed, being driven by respondent No.1 in rash and negligent manner. Due to high speed respondent No.1 could not control the same and after crossing the vehicle of one Jagdeep Singh had struck against the Activa scooter of Krishan Gopal, as a result of which both husband and wife fell on the road near the culvert and then car hit another motorcyclist who also struck against the culvert and all of them received multiple injuries. The car driver fled away from the spot and lateron name of the driver came out to be Paramjit Singh son*



*of Surjit Singh. The bumper and car number plate fell on the spot after hitting the scooter and motorcycle. All the injured were removed to the Civil Hospital Barnala where on reaching hospital, it was found that Krishan Gopal has already died, whereupon on the statement of Jagdeep Singh case under Section 304-A, 279,337, 338, 427 IPC was registered at Police Station City Barnala vide FIR No. 97 dated 18.3.2016 against respondent No.1. Claimants have specifically pleaded that the alleged accident took place due to rash and negligent driving of respondent No.1.*

*It has been further pleaded that at the time of accident, deceased was 45 years of age. He was Mechanical Engineer and was serving in Trident Group of Industries as Chief Engineer (Mechanical) with a packaged of Rs. 10 lacs per year besides other additional emoluments. There is no age of retirement in the private company and the average annual increase in the package in the coming year was Rs. 2 lacs per annum and there were every chances that the deceased would have reached and working upto the age of 75 years and his annual package would have been enhanced from Rs. 10 lacs to Rs. 30 lacs per annum in near future. All the claimants were dependent upon the income of deceased Krishan Gopal. Due to the untimely death of Krishan Gopal, his family suffered a great loss. Consequently a prayer for grant of compensation to the tune of Rs. 3,00,00,000/- (Three Crores rupees) has thus been made.”*

7. The only argument raised on behalf of the appellants is that income of the deceased has been taken on the lower side as Rs.50,000/- per month; whereas he was getting gross salary of Rs.75,000/- per month;



and even average thereof would come to Rs.59,632/- from the Salary Slips for 12 months (Ex.PW5/C) prior to death of the deceased. However, I find no merit in the said submission of the appellants. A perusal of the said Salary Slips for the period March 2015 up to March 2016 shows that the deceased was drawing varying amounts as salary being Rs.47,129/- for March 2015; Rs.64,924/- for April 2015; Rs.62,759/- for May 2015; Rs.46,634/- for July 2015; and so on and so forth.

8. In this view of the situation, learned Tribunal had clearly therefore correctly held that salary of deceased was varying between Rs.47,000/- to Rs.62,000/-; and after deduction of tax at source, had assessed take-home salary of the deceased to be Rs.50,000/- per month on average after deduction. I find no error in the same.

9. Further, age of the deceased was proved to be 45 years at the time of his death on the basis of his Post-Mortem Report. Accordingly, addition of 30% towards future prospects has been correctly given. As there were 4 claimants, deduction of  $\frac{1}{4}$ <sup>th</sup> has also been correctly made; and multiplier of 14 has also been correctly applied.

10. It is to be further noted that the learned Tribunal has awarded exorbitant amount under the conventional heads as Rs.2 lakh for loss of consortium; Rs.1 lakh for loss of love and affection; Rs.1 lakh for loss of care and guidance for kids; and Rs.20,000/- for funeral expenses. It is to be noted that the claimants No.2 and 3 are the major children of the deceased and



were therefore, not entitled to compensation; yet the learned Tribunal has awarded compensation in the following manner:-

| Head   | Amount  |
|--|---|
| Salary   | Rs.50,000/- per month   |
| 30% of salary to be added as future prospects  | Rs.50,000/- + Rs.15,000/- = Rs.65,000/- per month and annual salary comes to Rs.65,000/- x 12 = Rs.7,80,000/- |
| 1/4 <sup>th</sup> is to be deducted as personal expenses of the deceased being married | Rs.7,80,000/- - Rs.1,95,000/- = Rs.5,85,000/- per annum   |
| Compensation after multiplier of 14 is applied   | Rs.5,85,000/- x 14 = Rs.81,90,000/-   |
| Loss of consortium   | Rs.2,00,000/-   |
| Loss of love and affection   | Rs.1,00,000/-   |
| Loss of care and guidance for kids   | Rs.1,00,000/-   |
| Funeral expenses   | Rs.20,000/-   |
| <b>Total</b>   | <b>Rs.86,10,000/-</b>   |

11. From the above facts, it is clear that the learned Tribunal has already awarded compensation far in excess of what is admissible to the appellants. In view of the above, present appeal is **dismissed**.

**FAO-1181-2018**

12. Present appeal has been filed by the injured-claimant seeking enhancement of compensation of Rs.1,63,516/- awarded by the learned Tribunal vide Award dated 04.08.2017 passed in MACT Case No.22 dated 25.04.2016 filed under Section 166 of the Act on account of injuries suffered by her in the aforesaid motor vehicular accident that took place on 18.03.2016 due to the rash and negligent driving of the offending vehicle by respondent No.1.



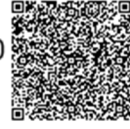
13. It is submitted by learned counsel for the injured-claimant-appellant that the compensation of Rs.1,63,516/- awarded by the learned Tribunal deserves to be enhanced as it is proven fact on record that in the accident dated 18.03.2016, injured-appellant had suffered fracture superior and inferior pubic rami and fracture distal and redial left side. Moreover, the appellant had remained in hospital from 19.03.2016 to 25.03.2016. This is proven from the evidence of PW6 Dr. Sanjay Narad, who had also proved the medical bills submitted by the appellant. Yet meagre compensation of only Rs.1,63,516/- has been awarded.

14. No other argument is made on behalf of the appellant.

15. I have heard learned counsel and perused the case file in great detail.

16. No doubt, in the accident in question, the appellant-injured/claimant had suffered the above-noted fractures, however, on a Court query, it has been admitted by learned counsel for the appellant that the appellant had suffered no disability let alone any permanent disability. It is further to be noted that no bills were produced by the appellant to show that services of any attendant were engaged by her for her assistance after the accident. Yet the learned Tribunal has awarded compensation in the following manner:-

| <b>Head</b>         | <b>Amount</b> |
|---------------------|---------------|
| Attendant charges   | Rs.15,000/-   |
| Pain and suffering  | Rs.1,00,000/- |
| Medical expenditure | Rs.48,516/-   |



|              |                      |
|--------------|----------------------|
| <b>Total</b> | <b>Rs.1,63,516/-</b> |
|--------------|----------------------|

17. From the above facts, it is clear that a very just and fair compensation has been awarded to the appellant. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellant. Accordingly, in view of the discussion above, I find no case is made out which merits interference with the impugned Award. I find the compensation awarded to the appellant to be just and fair in the facts and circumstances of the case. 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. Present appeal accordingly stands **dismissed**.

**FAO-1072-2018**

18. Present appeal has been filed by the claimant against dismissal of her Claim Petition by the learned Tribunal vide Award dated 04.08.2017 bearing MACT Case No.24 dated 25.04.2016 filed under Section 166 of the Act, for grant of compensation on account of total loss and damage of Activa Scooter bearing registration No.PB-19L-2973 in the aforesaid motor vehicular accident that took place on 18.03.2016.

19. It is submitted by learned counsel for the appellant that in dismissing the Claim Petition, the learned Tribunal had not considered the Damage Assessment Report which indicates that scooter of the appellant was completely damaged. It is submitted that learned Tribunal has erred in not considering the fact that concept of just compensation also entails damage caused to the claimant. It is submitted that the appellant being owner of the vehicle involved in the accident, was entitled to claim damages under Section 166 of the Act. Learned counsel accordingly prays for setting aside of the impugned Award.

20. No other argument is made on behalf of the appellant.

21. I have heard learned counsel and perused the case file in detail.



22. The reasoning of the learned Tribunal in dismissing the instant Claim Petition is in Para 14 & 15 of the impugned Award dated 04.08.2017, which read as follows:-

*“14. The learned counsel for insurance company has vehemently opposed the claim of the claimant only on the ground that the law does not provide for issuance of any compensation for any damage to the vehicle as he has contended that the vehicle was insured and the insurance claim would have been taken from the Insurance company. AW1 Sanjogita Rani when cross-examined stated that scooter in question is still lying in police station Barnala which was purchased in March 2015. The scooter was duly insured. She has not got the value of the scooter assessed from any independent surveyor. Importantly she also stated that insurer of the scooter is not denying the payment of claim for damage to the scooter. The applicant herself was traveling on the scooter and she claimed herself even to be the owner of the scooter as well.*

*15. As per Section 165 of the Motor Vehicle Act which provide for forming of claim tribunal, the claim tribunal vide notification constituted for adjudicating claim for compensation in respect of accident involving death, on bodily injury to the persons arising out of the use of motor vehicles or damage to any property of third party. So here the damage cannot be said to be to the property of a third party since the applicant herself has been owner of the scooter so damaged in the accident. Therefore, even though accident might have occurred due to rash and negligence of respondent No.1, claimant is not entitled*



*to any compensation. Hence this issue is decided against the claimant and in favour of respondents.”*

23. In view of the above-said reasoning, no ground is made out to interfere in the impugned Award. Present appeal accordingly stands **dismissed.**

24. Before parting it may also be pointed out that all the above-said appeals are of the year 2018. However, notice has not yet been issued in them as the matter has been repeatedly adjourned either at request of or due to non-appearance on behalf of learned counsel for the appellant(s). In the intervening 8 years, this in itself constitutes sufficient ground for dismissal of the appeals in terms of judgment of Hon’ble Supreme Court in **Shiv Cotex v. Tirgun Auto Plast P. Ltd. (SC) : Law Finder Doc ID # 271160**, wherein it is held as under:-

*“15. Second, and equally important, the High Court upset the concurrent judgment and decree of the two courts on misplaced sympathy and non - existent justification. The High Court observed that the stakes in the suit being very high, the plaintiff should not be non - suited on the basis of no evidence. But, who is to be blamed for this lapse? It is the plaintiff alone. As a matter of fact, the trial court had given more than sufficient opportunity to the plaintiff to produce evidence in support of its case. As noticed above, after the issues were framed on July 19, 2006, on three occasions, the trial court fixed the matter for the plaintiff's evidence but on none of these dates any evidence was let in by it. What should the court do in such circumstances? Is the court obliged to give*



*adjournment after adjournment merely because the stakes are high in the dispute? Should the court be a silent spectator and leave control of the case to a party to the case who has decided not to take the case forward? It is sad, but true, that the litigants seek - and the courts grant - adjournments at the drop of the hat. In the cases where the judges are little pro - active and refuse to accede to the requests of unnecessary adjournments, the litigants deploy all sorts of methods in protracting the litigation. It is not surprising that civil disputes drag on and on. The misplaced sympathy and indulgence by the appellate and revisional courts compound the malady further. The case in hand is a case of such misplaced sympathy. It is high time that courts become sensitive to delays in justice delivery system and realise that adjournments do dent the efficacy of judicial process and if this menace is not controlled adequately, the litigant public may lose faith in the system sooner than later. The courts, particularly trial courts, must ensure that on every date of hearing, effective progress takes place in the suit.*

*16. No litigant has a right to abuse the procedure provided in the CPC. Adjournments have grown like cancer corroding the entire body of justice delivery system. It is true that cap on adjournments to a party during the hearing of the suit provided in proviso to Order 17 Rule 1 Civil Procedure Code is not mandatory and in a suitable case, on justifiable cause, the court may grant more than three adjournments to a party for its evidence but ordinarily the cap provided in the proviso to Order 17 Rule 1 Civil Procedure Code should be maintained. When we say 'justifiable cause' what we mean to say is, a*



*cause which is not only 'sufficient cause' as contemplated in sub - rule (1) of Order 17 Civil Procedure Code but a cause which makes the request for adjournment by a party during the hearing of the suit beyond three adjournments unavoidable and sort of a compelling necessity like sudden illness of the litigant or the witness or the lawyer; death in the family of any one of them; natural calamity like floods, earthquake, etc. in the area where any of these persons reside; an accident involving the litigant or the witness or the lawyer on way to the court and such like cause. The list is only illustrative and not exhaustive. However, the absence of the lawyer or his non - availability because of professional work in other court or elsewhere or on the ground of strike call or the change of a lawyer or the continuous illness of the lawyer (the party whom he represents must then make alternative arrangement well in advance) or similar grounds will not justify more than three adjournments to a party during the hearing of the suit. The past conduct of a party in the conduct of the proceedings is an important circumstance which the courts must keep in view whenever a request for adjournment is made. A party to the suit is not at liberty to proceed with the trial at its leisure and pleasure and has no right to determine when the evidence would be let in by it or the matter should be heard. The parties to a suit - whether plaintiff or defendant - must cooperate with the court in ensuring the effective work on the date of hearing for which the matter has been fixed. If they don't, they do so at their own peril. Insofar as present case is concerned, if the stakes were high, the plaintiff ought to have been more serious and vigilant in prosecuting the suit and producing its evidence.*



*If despite three opportunities, no evidence was let in by the plaintiff, in our view, it deserved no sympathy in second appeal in exercise of power under Section 100 CPC. We find no justification at all for the High Court in upsetting the concurrent judgment of the courts below. The High Court was clearly in error in giving the plaintiff an opportunity to produce evidence when no justification for that course existed.”*

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

**27.08.2025**

Sunena

**(Nidhi Gupta)  
Judge**

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No