

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

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FAO-3460-2024 (O&M)
Date of decision: 25.08.2025**Adarsh Kaur and others****...Appellant(s)****Vs.****Gopal Kamboj and another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**Present:- Mr. Ashwani Bakshi, Advocate
for the appellants.

NIDHI GUPTA, J.**CM-12497-CII-2024**

Prayer in this application filed under Section 151 CPC is for condonation of delay of 13 days in refiling 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.1, the same is allowed and delay of 13 days in refiling the accompanying appeal is condoned.

CM-12498-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 170 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, the same is allowed and delay of 170 days in filing the accompanying appeal is condoned.

FAO-3460-2024 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of ₹80,20,025/- awarded by the learned Motor Accident Claims Tribunal, Sirsa (hereinafter referred to as “the learned Tribunal”) vide Award dated 18.08.2023 passed in MACP Case No. 58 dated 29.02.2020 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as “the Act”). The 4 claimants are the 39-year-old widow; 2 minor children; and mother of the deceased Lakhwinder Singh. It may be pointed out that claimant No. 4/mother-in-law of the deceased had died during the pendency of the claim petition on 06.05.2021.

2. Review application for correction of name of claimant No. 3 was filed, which was disposed of vide order dated 18.03.2024 and the name of claimant No.3 was corrected as “Japmanpreet Singh” instead of “Hapmanpreet Singh”.

3. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Lakhwinder Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 25.01.2020 due to the rash and negligent driving of a Tata Ace bearing registration No.HR-57-7482 (hereinafter “the offending vehicle”) being driven by respondent No.1; and owned by respondent No.2. The learned Tribunal awarded the



above said compensation along with interest @ 6% per annum. Liability to pay the above said compensation was fixed upon both the respondents, as admittedly, offending vehicle was not insured with any Insurance Company.

4. The short ground on which learned counsel for the appellants seeks enhancement of compensation is that interest has been awarded @ 6% per annum only; whereas the same should be 9% per annum. It is also submitted that appellants had submitted medical bills Ex.P41 to Ex.P88 for an amount of Rs.39,000/-, which have not been considered by the Tribunal.

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

6. No other argument is raised on behalf of the appellants.

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

8. I find no merit whatsoever in the submissions made on behalf of the appellants. The record bears out that the deceased was working as an Assistant Professor in Mathematics and was earning ₹46,775/- p.m. Accordingly, learned Tribunal had taken his net monthly income as ₹46,775/-. Age of the deceased was proved to be 45 years on the basis of his Matriculation Certificate Ex.P97, as per which, his date of birth is mentioned as 02.01.1975. Thus, 30% was added towards future prospects; and total monthly income of the deceased was calculated to be ₹60,807/- (₹46,775 + ₹14,032/-). As there were 4 claimants, learned Tribunal had made a deduction of 1/4th towards personal expenses and



monthly loss of dependency was calculated to be ₹45,605/- (₹60,807-15,202/-). As deceased was 45 years old multiplier of 14 was correctly applied; thereby calculating total loss of dependency as ₹76,61,640/- (₹45,605/- x 12 x 14). Under conventional heads, ₹40,000/-each was awarded towards consortium alongwith ₹15,000/- each towards funeral expenses and loss of estate.

9. As regards the argument of the appellants regarding the alleged medical bills for ₹39,000/- Ex.P41 to Ex.P88, the record reveals that the said bills were for the period December 2019 and had been issued by using stationary of January 2020; whereas accident had taken place on 25.1.2020. As such, said bills were rightly not considered by the Tribunal.

10. Accordingly, learned Tribunal had calculated the compensation in the following manner: -

Head	Compensation awarded (₹)
i) Loss of dependency, last rites and transportation of dead body of deceased and loss of estate.	76,61,640.00 +15,000.00 +15,000.00 <hr/> 76,91,640.00
ii) Treatments charges/medical bills Ex.P7 to Ex. P40	2,08,385.00 <hr/> 2,08,385.00
lii. Loss of Consortium: a) Spousal Consortium to claimant No.1 being wife of deceased b) Parental consortium to claimant No.2 and 3, being unmarried daughter and son of the deceased c) Filial consortium to claimant No.4 being mother of the deceased Total	40,000.00 +40,000.00 +40,000.00 <hr/> 1,20,000.00
Total compensation:(i)+(ii) + (iii)	=80,20,025.00



11. 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.

12. 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.”

13. Accordingly, the present appeal is hereby **dismissed**.

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

25.08.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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