



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

FAO-2901-2025

Date of Decision: 05.08.2025

VIJENDER MALIK AND ORS
Vs.

...Appellants

PARDEEP KUMAR AND ANOTHER

...Respondents

CORAM:- HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Mr. Satpal Bhasin, Advocate
for the appellants.

NIDHI GUPTA, J. (Oral)

1. The present appeal has been filed by the claimants seeking enhancement of the compensation of Rs.31,04,400/- awarded by the learned Motor Accident Claims Tribunal, Sonipat (hereinafter 'the Tribunal'), vide Award dated 11.02.2025 passed in MACT case No. 205 of 2022 dated 27.05.2022 filed under Section 166 of the Motor Vehicles Act, 1988, (in short 'MV Act'). The Four claimants are the husband, and 03 minor child of the deceased-Pinki.

2. Brief facts of the case are that the learned Tribunal on the basis of the pleadings and oral and documentary evidence adduced before it had concluded that the deceased-Pinki had died due to the injuries suffered by her in a motor vehicular accident that took place on 30.04.2022 due to the rash and negligent driving of the vehicle bearing registration No. DL-09CAL-9243 (hereinafter 'the offending vehicle'), being owned and driven by respondent No.1 and insured with respondent No.2. Learned Tribunal awarded the compensation with 7.5% interest per annum to be paid by respondent No.1 along with respondent No.2 jointly and severally.

3. Learned counsel for the appellant seeks enhancement of compensation on the ground that income of the deceased has been taken on the lower side as only Rs. 10,000/- per month. It is submitted that as per the relevant Notification



minimum wages of a skilled labour at the relevant time was Rs.11,794/-. Therefore, income of the deceased ought to have been taken as Rs.11,794/-.

4. It is further submitted that the claimants had spent an amount of Rs.3,98,482/- in the treatment of the deceased. However, only amount of Rs.3,03,400/- has been awarded towards medical expenses. It is accordingly prayed that the Award be modified and compensation granted to the appellants be enhanced.

5. No other argument has been made on behalf of the appellants/claimants.

6. I have heard learned counsel and gone through the record in detail, and I find no merit in the submissions advanced by the ld. counsel for the appellants.

7. It is the pleaded case of the appellants in the claim petition that the deceased was 32 years of age at the time of accident. She was running a cloth shop from which she was earning Rs.20,000/- per month. Deceased-Pinki was also stated to be earning Rs.20,000/- from diary farm. Accordingly, compensation of Rs.50,00,000/- was claimed by the appellants on account of death of Pinki.

8. However, contrary to the grandiose claims made by the appellants in regard to the income of the deceased, no proof whatsoever was produced by them to substantiate the said claims. The appellants failed to produce any documentary evidence in form of bank accounts, income tax returns etc. or any other evidence to indicate that deceased was running a cloth shop or a milk dairy farm. In fact no income of the deceased was proved, let alone income of Rs.40,000/-. As claimants had failed to prove the income and occupation of the deceased, learned Tribunal had assessed the notional income of the deceased as Rs.10,000/- per month as that of skilled worker in view of the fact that she was housewife. It has been submitted by counsel for the appellants that as per the relevant Notification, minimum wages



at the relevant time were Rs.11,794/-. However, no Notification to this effect has been produced by the learned counsel. As such I find no error in the income assessed by the learned Tribunal.

9. It is to be noted that although there were four claimants, Tribunal had made no deduction towards personal expenses. Learned Tribunal had determined the age of deceased to be 32 years on the basis of post-mortem Ex. P-38. Thus, multiplier of 16 has been correctly applied; and addition of 40% towards future prospects has been correctly made. Further, the learned Tribunal has awarded Rs.1,13,000/- under the conventional heads; thereby calculating compensation in the following manner:

Sr. No.	Head of claim	Calculation
1.	Income	Rs.10,000/-
2.	40% to be added as future prospects	Rs.10,000+4000=14000
3.	Compensation after applying multiplier of 16.	Rs.14000x12x16=2688000
4.	Loss of spousal consortium to claimant No.1	Rs.40,000/-
5.	Loss of love and affection, care and guidance for minor children	Rs.40,000/-
6.	Funeral expenses	Rs.16,500/-
7.	Loss of estate	R.s 16,500/-
8.	Medical Bills	Rs. 3,03,400/-
	Total Compensation amount	Rs. 31,04,400/-

10. It has also been submitted by learned counsel for the appellants that medical bills of Rs. 3,98,482.19 had been submitted yet, Tribunal has awarded an amount of Rs. 3,03,400/- only towards medical expenses. However, perusal of the record shows that appellants were able to prove only medical bills Ex. P-1 to Ex. P-13 for an amount of Rs. 3,03,400/-, which has been duly awarded by the Tribunal. Appellants had also failed to prove the remaining bills.



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. Accordingly, I find no case is made out that 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 Vs. Jasbir Kaur**' 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. In case of **KSRTC Vs. Susamma Thomas 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.

12. The present petition is **dismissed**.

(NIDHI GUPTA)
JUDGE

05.08.2025

kv

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No