

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****124****FAO-5250-2024(O&M)****Date of decision: 08.09.2025****Baru Ram & Another****...Appellant(s)****Vs.****Anup Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**Present:- Mr. Sumit Sangwan, Advocate
for the appellants.Mr. Arman Goyal, Advocate
for respondent No.2.*********NIDHI GUPTA, J.**

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.65,03,000/- awarded by Motor Accident Claims Tribunal, Bhiwani (hereinafter 'the learned Tribunal') vide Award dated 11.10.2024 passed in MACP Case No.467 dated 26.10.2017 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 2 claimants are the parents of deceased Anil.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the deceased Anil had died due to the injuries suffered by him in a motor vehicular accident that took place on 08.09.2017 at about 6:30



pm due to the rash and negligent driving of Tralla bearing registration No.HR-56B-0123 (“the offending vehicle”) by respondent No.1. The offending vehicle was owned by respondent No.2 and insured by respondent No.3. The aforesaid compensation has been awarded along with interest @ 4% per annum. The respondents were held jointly and severally liable to pay the aforesaid compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that the deceased was an MBBS doctor who was working and earning Rs.57,560/- per month. It is submitted that despite the fact that income of the deceased was duly proved in accordance with law, the learned Tribunal has taken income of the deceased as only Rs.45,000/- per month. Accordingly, income of the deceased deserves to be enhanced. It is further submitted that compensation awarded to the appellants deserves to be enhanced also on the ground that interest has been awarded only @ 4%. It is prayed that the discretionary power of this Court be exercised in view of the fact that even as per the minimum Bank rate of interest, the same ought to have been at least 6% per annum. Learned counsel further submits that even consortium has not been awarded to both the claimants and has been awarded only to claimant No.2/mother of the deceased. In support of his contentions, learned counsel relies upon judgments of Hon’ble Supreme Court in **Sushila v. Manna Lal, (SC) : Law Finder Doc ID # 2753584** where rate



of interest was increased from 6% to 7.5% per annum; and **M. Sabitha v. Brahma Swamulu, (SC) : Law Finder Doc ID # 2725110.**

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 some merit in the submissions made on behalf of the appellants.

6. It was the pleaded case of the appellants that the deceased was a qualified MBBS and was earning Rs.57,560/- per month as he was working as a Junior Resident Surgeon at Khanpur Medical College, Gohana. However, as per the evidence on record, it is proved that the appointment of the deceased was purely on a temporary basis and only for six months preceding his death. This fact has been admitted by PW2 in his evidence. Keeping in view the above-said admitted fact, that deceased was only working on a temporary basis and thus, income of the deceased has been correctly assessed as Rs.45,000/- per month.

7. It has further been submitted on behalf of the appellants that consortium ought to have been awarded to both the claimants, whereas it has been awarded only to claimant No.2/mother of the deceased and not to the father/claimant No.1. In support of his contention, the learned counsel has relied upon aforesaid judgment of the Hon'ble Supreme Court in **M. Sabitha supra**. However, the said Judgment has no relevance to the issue at hand, as the same is in respect of contributory negligence. Furthermore, the record reveals that an amount of ₹44,000/- has been awarded by way of



consortium to both the appellants. As per recent judgments of the Hon'ble Supreme Court in **"Shri Ram General Insurance Co. Ltd. Vs. Bhagat Singh Rawat & Others"** Civil Appeal Nos.2410-2412/2023 Law Finder Doc ID # **2251622** and **"Mehmooda Bee & Others Vs. National Insurance Co. Ltd."** (@ SLP (C) No.16767 of 2022) Law Finder Doc ID # **2070774** and **"Bebi Giri Vs. National Insurance Co. Ltd."** Civil Appeal No.6551 of 2022 Law Finder Doc ID # **2070826**, a total sum of Rs.70,000/- is to be granted under the conventional heads; which is so the present case.

8. Even otherwise, as per judgment of the Hon'ble Supreme Court in **(SC) SLP No.13931 of 2017** titled as **"New India Assurance Co. Ltd. Vs. Vinish Jain & Others"** Law Finder Doc ID # **977386**, it has been held that where difference in compensation is about 4 to 5 per cent only, it does not warrant interference by this Court as, such variation in compensation is within permissible limits.

9. This above-said judgment of the Hon'ble Supreme Court has been followed by the Kerala High Court in **"The Managing Director, Divisional Controller Versus Alikutty and Others"** Law Finder Doc Id # **1885188**. Relevant para 18 of the said judgment is reproduced below:-

"18. It is to be borne in mind, the accident occurred on 23,2,2019. It is more than 2 ½ years since the respondents 1 to 4 have been knocking at the doors of the Courts seeking compensation on account of the death of the bread-winner. It is trite law that the Tribunal is permitted to do some guess work and also exercise its discretion to fix the reasonable and just compensation, for which



*there cannot be any straitjacket formula based on mathematical precision. In **New India Assurance Company Vs. Vinish Jain and Others [(2018) 3 SCC 619]**, the Hon'ble Supreme Court has held that if the fixation of compensation is within permissible limits, the courts should normally not interfere with such awards”.*

10. Above said view has been reiterated by the Kerala High Court in “**Reliance General Insurance Company Limited Vs. Adila and Others**”, **Law Finder Doc ID # 1921609**, paras 16 and 17 of which read as under:-

“16. The other area of dispute is that the Tribunal after awarding compensation under the conventional heads has awarded Rs.75,000/- towards loss of love and affection and Rs.10,000/- awarded towards pain and sufferings.

*17. In **New India Assurance Co., Ltd v. Vineesh.J[2018 (3) SCC 619]**, the Hon'ble Supreme Court has held that the Appellate Court can permit variation of plus or minus 4 to 5 percent.”*

11. Further, age of the deceased was proved to be 26 years on the basis of his Matriculation Certificate (Ex.P5) and Aadhaar Card (Ex.P17), as per which his date of birth is 27.08.1991. Accordingly, the learned Tribunal had correctly made an addition of 40% towards future prospects; thereby calculating monthly income to be ₹63,000/- per month (₹45,000 + ₹18,000). As a deceased was unmarried, deduction of 50% was correctly made towards personal expenses; thus calculating monthly income to be ₹31,500/-. Multiplier of 17 was also correctly applied keeping in view the age of the deceased; thereby calculating total loss of dependency to be ₹64,26,000/- (₹31,500x17x12). Under the conventional heads, the Tribunal had awarded Rs.16,500/- towards loss of estate, Rs.16,500/- towards



funeral expenses and Rs.44,000/- towards filial consortium; thus, granting total compensation of Rs.65,03,000/-.

12. In view of the above facts, no ground is made out for enhancement of interest granted at the rate of 4% per annum. 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 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 & 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. 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.

13. 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**"; has held 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."

14. The present appeal accordingly stands **dismissed**.
15. Pending application(s) if any also stand(s) disposed of.

08.09.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No