



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

127

FAO-5424-2024 (O&M)

Date of Decision: 11.08.2025

Pinki and others

....Appellants

Versus

Amarjeet Singh Gill and others

...Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Rohit Mittal, Advocate for the appellants.

NIDHI GUPTA, J. (ORAL)

1. Challenge in the present appeal filed by the claimants is to the Award dated 29.07.2024 passed by the learned Motor Accident Claims Tribunal, Gurugram (hereinafter referred to as 'the learned Tribunal') whereby the claim petition bearing MACP-62-2022 dated 14.02.2020, filed by the appellant-claimants under Section 166 of the Motor Vehicles Act, 1988, has been allowed; and the claimants have been granted compensation of ₹27,87,616/-. The 04 claimants are the: i) widow; ii) minor son and iii) old parents of deceased-Sanjay Kumar who was stated to be 32 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that deceased-Sanjay, had died due to the injuries suffered by him in a motor vehicular accident that took place on 20.12.2021 at about 10:00 PM, due to the rash and negligent driving of Car bearing registration No. PB-29-W-0008 (hereinafter 'the offending vehicle') being driven by respondent No. 2; owned by respondent No. 1 and insured by respondent No. 3-



Insurance Company. Learned Tribunal awarded compensation as above along with interest @ 7.5% per annum from the date of filing the claim petition till actual realization; and the respondents were held liable to pay the amount of compensation jointly and severally.

3. Learned counsel for the appellants seeks enhancement of compensation on the ground that the learned Tribunal had assessed the income of the deceased on lower side. It is submitted that the claimants have produced the salary slips of the deceased as Ex. P-2 and Ex. P-3, from which it was evident that the deceased was earning ₹12,885/- per month. It is submitted by learned counsel for the appellants that the deceased was also doing some 'other work'. However, it is admitted that no proof regarding 'other work' i.e. being done by the deceased was produced by the appellant-claimants before the learned Tribunal. In fact, learned counsel for the appellants is unable to apprise as to what is the 'other work' being done by the deceased. As such, income has been correctly assessed by the learned Tribunal as ₹12,855/- per month.

4. Learned counsel further submits that nothing has been awarded by the learned Tribunal towards loss of love and affection. It is accordingly prayed that the impugned Award be modified as above.

5. I have heard learned counsel for the appellants and perused the case file in great detail.

6. I find no merit in the submissions made on behalf of the appellants. A perusal of the impugned Award reveals that the learned Tribunal had awarded compensation to the appellant-claimants as under:-

Sr. No.	Heads of claim	
1.	Income	₹12,885/- x 12= 1,54,620/- per annum
2.	40% future prospectus	₹61,848/-



3.	1/4th deducted as personal expenses of the deceased	₹1,54,620+ 61,848/- = 2,16,468/- after deduction 1/4th comes to ₹1,62,351/-
4.	Compensation after applying multiplier of 16	₹1,62,351/- x 16= 25,97,616/-
5.	Loss of love & affection.	₹15,000/-
6.	Transportation and funeral expenses	₹15,000/-
7.	Loss of Spousal, Filial and parental consortium	₹ 1,60,000/-
8.	Total compensation	₹27,87,616/-

7. In view of the above, it is clear the learned Tribunal had awarded a sum of ₹1,60,000/- towards loss of Spousal, Filial and parental consortium; and ₹15,000/- under the Head loss of love and affection which just and fair.

8. From the above facts, it is clear that a very just and fair compensation has been awarded to the appellants. Nothing 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. MahadevShetty', (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.

9. In view of the discussion above, I find no case is made out that merits interference with the impugned Award. The appeal is **dismissed**.

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

11.08.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No

