



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
123

FAO-2343-2023(O&M)
Date of decision: 01.09.2025

Isha Sobti & Another

...Appellant(s)

Vs.

Kundan Singh & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. R.C. Gupta, Advocate
for the appellants.

NIDHI GUPTA, J.
CM-8512-CII-2023

This is an application under Section 151 CPC for condonation of delay of 215 days in re-filing the 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 215 days in re-filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.70,000/- awarded by Motor Accident Claims Tribunal, Panchkula (hereinafter 'the learned Tribunal') vide Award dated 13.08.2021 passed in MACP/135/2018 dated 29.08.2018 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 2



claimants are the married sister and nephew (son of claimant No.1) of the deceased Sahil Sobti.

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 Sahil Sobti had died due to the injuries suffered by him in the motor vehicular accident that took place on 27.02.2018 due to the rash and negligent driving of Maruti Van bearing registration No.HR-37B-9024 (hereinafter “the offending vehicle”) by respondent No.1. The offending vehicle was owned by respondent No.2 and insured by respondent No.3.

3. Learned counsel for the appellants submits that the learned Tribunal was in error in holding the appellants not entitled to grant of compensation as the appellants are the only Legal Representatives of the deceased. It is contended that the deceased was unmarried and issueless. Parents of the deceased had pre-deceased him. The elder brother of the deceased was not interested to be impleaded as party and has given his relinquishment in writing. As such, the appellants were the only LRs of the deceased; and were therefore, entitled to compensation. However, the learned Tribunal has held them entitled only for loss of filial compensation i.e. Rs.40,000/-; funeral expenses of Rs.15,000/- and loss of estate to the tune of Rs.15,000/-; and accordingly Rs.70,000/- has been awarded as total compensation. It is contended that as per section 2(11) CPC, legal representatives means a person who in law represents the estate of a



deceased person and includes any person who inter-meddles with the estate of deceased and where a party sues or is sued in a representative character the person on whom the estate devolves upon the death of party so suing or sued. From the aforesaid provisions of law it can be safely inferred that since the compensation constitutes the part of estate of the deceased, resultantly the legal representative of deceased would inherit the estate. Therefore, it is now settled that legal representatives of the deceased have a right to apply for compensation and it is the bounden duty of the Tribunal to consider the application irrespective of the fact whether the concerned legal representative was fully dependent on the deceased and not to limit the claim towards conventional heads only. Learned counsel therefore submits that the impugned Award be modified.

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. After considering the relevant case law in detail, learned Tribunal had held that the claimant No.1/sister of the deceased was the only Legal Representative who was competent to file the Claim Petition. However, she too was not entitled to compensation as she could not prove her dependency upon the deceased.

7. Claimant No.1 had admitted that she was married five-and-a-half years back; whereafter she was residing with her husband in Panchkula



and was herself working as a Teacher prior to birth of claimant No.2. She further admitted in her cross-examination that she had no proof that deceased was contributing Rs.20,000/- per month to her. Husband of claimant No.1 had appeared as PW2 and admitted during cross-examination that both claimants were staying with him, and he is taking care of both of them. As such, assertions of the claimants that they were dependent upon the income of the deceased, were not substantiated from the evidence on record. Accordingly, the learned Tribunal had held the claimant No.1 entitled only for compensation under the conventional heads. I find no error whatsoever in the same.

8. It is my clear view that the beneficial legislation of the Motor Vehicle Act cannot be misused and is not for the purpose of distributing public money amongst undeserving claimants. No doubt as per Section 166 of the Act an application for compensation may be made by all or any of the 'legal representatives' of the deceased. The term 'legal representatives' is not defined in the Act. As per Section 2(11) CPC 'legal representative' is a person who in law represents the estate of the deceased and has been interpreted to include a person who intermeddles with the estate of the deceased. However, in the context of, and for the purposes of the MV Act and claims arising therefrom, the Hon'ble Supreme Court in case of **Smt. Manjuri Bera v. The Oriental Insurance Company Ltd., (SC) : Law Finder Doc Id # 126848**, has correctly drawn a distinction between "right to apply



for compensation” and “entitlement to compensation”. Hon’ble Supreme Court in said case of ***Manjuri Bera (supra)*** has held that “*The right to file a claim application has to be considered in the background of right to entitlement. While assessing the quantum, the multiplier system is applied because of deprivation of dependency.*” It is thus, clear that ‘Entitlement to compensation’ has been held to be of one who is ‘dependent’ on the earnings of the deceased.

9. No doubt Chapter-12 of the Act is a beneficial legislation yet, as cautioned by the 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***, the amount of compensation should be just and reasonable, it should neither be a bonanza nor a source of profit. 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.

10. In view of the above, present appeal is **dismissed**.

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

01.09.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No