



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-5928-2024 (O&M)
Date of decision: 19.08.2025

Kajal and another

...Appellant(s)

Vs.

Pawan Kumar @ Pona and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. S.S.Kaushik, Advocate
for the appellants.

NIDHI GUPTA, J.

CM-22654-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 126 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is supported by an affidavit of the applicant/appellant No.1, the same is allowed and delay of 126 days in filing the accompanying appeal is condoned.

FAO-5928-2024 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.24,69,905/- awarded by the learned



Motor Accident Claims Tribunal, Jind (hereinafter referred to as “the learned Tribunal”) vide Award dated 09.05.2024 passed in MACP case No. 205 dated 20.08.2019 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as “the Act”). The 2 claimants are the widow and mother of the deceased Ravinder Kumar, who was 26 years 7 months old at the time of his death.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Ravinder Kumar had died on 08.04.2019 due to the injuries suffered by him in a motor vehicular accident that took place on 26.03.2019 due to the rash and negligent driving of a Truck/Canter bearing registration No.HR-65-5729 and Ford Eco sport Car bearing registration No. HR31-H-8366 by respondents No.1 and 4 respectively (hereinafter “the offending Truck/ Canter” and “the offending Car”). The offending Canter was owned by respondent No.2 and insured by respondent No.3; and the offending Car was owned by respondent No.4 and insured by respondent No.5. The Id. Tribunal awarded the above said compensation along with interest @ 9% per annum till the date of realization. Respondents No.3 and 5 were held liable to pay the said compensation jointly and severally.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.9,837/- p.m. It was the clear pleaded case of the appellants that Ravinder was a healthy youth of 27 years and was



having Mechanic Diesel Diploma, and he was having many bright plans for his future as well as future of Appellants which all was lost with the untimely death of Ravinder. Ravinder was earning Rs.20,000/- p.m. from the profession of private Job as a Supervisor Breeder and both the Appellants were dependent on his earnings and after his death all the Appellants have lost Rs. 20,000/- p.m. and further his earning could have increased to a great extent in the future and hence the Appellants have lost the future earning also in the terms of money.

4. It is accordingly prayed that the compensation awarded to the appellants be enhanced to Rs.50 lacs and interest awarded to the appellants be also enhanced to 12% per annum.

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

6. I have heard Id. counsel and perused the case file in detail.

7. I find no merit in the submissions made on behalf of the appellants. As noted above, it was the pleaded case of the appellants that deceased was a Mechanic Diesel Diploma holder and was working as Supervisor Breeder from where he was earning Rs.20,000/- p.m. No doubt, appellants had produced copy of Diploma Ex.P85, issued by State Council for Vocational Training in Mechanic Diesel for training received by the deceased which was completed in July 2011. Appellants had also produced Secondary Examination Certificate of the deceased as Ex.P86. However, no proof of income of the deceased as Rs.20,000/- p.m. was produced by the appellants. On the contrary, it was argued by learned counsel representing the appellants before the learned Tribunal that



deceased was working as Supervisor Breeder in Sugna Food Private Ltd. as evident from his appointment letter Ex.P24; and that the salary of the deceased was Rs.12,500/- p.m. only - which is not only contrary to the pleadings of the appellants but even no evidence or proof of salary has been produced by the appellants. In this background, learned Tribunal, keeping in view the entire facts, had taken the deceased to be skilled labourer and had assessed his monthly income as Rs.9,837/- p.m. on the basis of letter No. I.R-2/29294/-395 dated 28.08.2018 issued by Labour Commissioner Haryana from 01.07.2018. It has been contended by learned counsel for the appellants that even minimum wages admissible to a skilled labourer were about Rs.12,000/-p.m. at the relevant time, however no Notification in this regard, has been produced by the appellants. As such, I find no error in the income of Rs.9,837/- p.m. as assessed by learned Tribunal. The annual income therefore comes to Rs.1,18,044/- (9837/- x 12). Furthermore, the age of the deceased at the time of death was determined to be 26 years and 7 months. As per the Matriculation Certificate Ex.P86 of the deceased his date of birth was 21.09.1992 and as per postmortem report Ex.P1 and death certificate of the deceased, he expired on 08.04.2019. As such deceased was 26 years and 7 months at the time of his death. Learned Tribunal had therefore correctly applied multiplier of 17; thereby calculating compensation amount to Rs.20,06,748/- (1,18,044/- x 17). As there were 2 claimants, deduction of 1/3rd was correctly made thus rendering compensation of Rs.13,37,832/- (20,06,748 - 6,68,916). Learned Tribunal had further made



addition of 40% towards future prospects as deceased was about 27 years; thus calculating compensation to Rs. 18,72,964/- (13,37,832/- + 5,35,132/-). Appellants had produced medical bills Ex.P3 to Ex.P53 and Ex.P57 to Ex.P83 for an amount of Rs.4,75,941/- which was duly reimbursed by learned Tribunal. Learned Tribunal had further awarded Rs.44,000/- each to the 2 claimants; Rs.16,500/- towards funeral expenses; and Rs.16,500/- for loss of estate thereby calculating total compensation of Rs.24,69,905/- along with interest @ 9% per annum.

8. 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 appellant. 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. The present appeal is hereby **dismissed.**



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

19.08.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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