**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****120****FAO-195-2020 (O&M)****Date of decision: 24.09.2025****Chataan Kaur and another****...Appellant(s)****Vs.****Devi Lal and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. C.S.Singhal, Advocate
for the appellants.

*********NIDHI GUPTA, J.****CM-200-CII-2020**

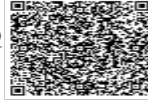
Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 CPC is for condonation of delay of 74 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is duly supported by an affidavit of the applicant-appellant No.2, the same is allowed and delay of 74 days in filing the appeal is condoned.

FAO-195-2020 (O&M)

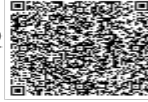
The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.6,49,600/- awarded by the learned Motor Accident Claims Tribunal, Ambala (hereinafter referred to as "the learned Tribunal") vide Award dated 28.05.2019 passed in MACT Case No. 2 dated 08.01.2018 filed under Section 166 of the Motor Vehicles Act,



(hereinafter referred to as “the Act”). The two claimants are the widow; and 30-year-old son of the deceased Surjeet Singh, who was 64 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 the deceased-Surjeet Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 03.12.2017 at about 11:00 a.m. due to the rash and negligent driving of a Car bearing registration No.HR-54-D-3206 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The learned Tribunal awarded the above said compensation along with interest @ 7.5% per annum. All the respondents were held liable to pay the said compensation jointly and severally.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that deceased was owner of agricultural land measuring 2.5 acres and was doing agricultural work from which he was earning Rs.20,000/- p.m. It is submitted that the income of the deceased was proved on record as the appellants had duly produced bills for selling sugarcane ‘Mark 3’ to ‘Mark 7’ and J-forms ‘Mark 8’ to ‘Mark 15’. Yet, the learned Tribunal has taken income of the deceased as that of the labourer as only Rs.8280/- p.m. as per the minimum wages fixed by the State Government and making addition of 25% thereto as deceased was agriculturist; thereby calculating total income of the deceased as

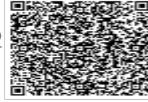


Rs.10,350/- p.m. (Rs.8280+Rs.2070). Accordingly, income of the deceased deserves to be enhanced.

4. It is further submitted that the Ld. Tribunal, in view of the ratio of law laid down by Hon'ble Supreme Court in case titled as **National Insurance Company Limited Vs. Pranay Sethi and others**, an amount of Rs.70,000/- is granted to the petitioners. However, *“No loss of the transportation and no loss of last rites. No loss of income and no future prospectus has not been given to the appellants.”* Even amounts awarded under all the remaining heads are on the lower side. The learned Tribunal has erred in granting interest @ 7.5% p.a.; whereas the same should be 18%. He, accordingly, prays that the present Appeal be allowed; and impugned Award be modified; and compensation of Rs.20 lacs alongwith interest 18% p.a. is liable to be awarded to the appellants.

5. No other argument is raised on behalf of the appellants. I have heard Id. Counsel and perused the case file in detail. I find no merit whatsoever in the submissions made on behalf of the appellants.

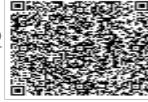
6. The pleaded case of the appellants before the learned Tribunal was that the deceased was working as an agriculturist and owner of 2.5 acres of land, from which he was earning Rs.20,000/- p.m. No doubt, the appellants had produced bills for selling sugarcane 'Mark 3' to 'Mark 7' and J-forms 'Mark 8' to 'Mark 15', however the same were not proved by the appellants in accordance with law, *in-as-much* as no Commission Agent or Proprietor of any Sugar Mill was examined to prove the aforesaid documents. In any event, no loss of income would accrue to



the appellants as the agricultural land is inherited by the appellants. Accordingly, income of the deceased was to be assessed in supervisory capacity. As such, I find no error in the income as assessed by the learned Tribunal as Rs.10,350/- p.m. Furthermore, age of the deceased is determined to be 64 years at the time of his death on the basis of his School Leaving Certificate 'Mark 2'; wherein date of birth of the deceased is shown to be 05.01.1953. Given the age of the deceased, no future prospects were liable to be added in terms of judgment of Hon'ble Supreme Court in ***"National Insurance Company Limited vs. Pranay Sethi and others"***, ***Special Leave Petition (Civil) No. 25590 of 2014.***

7. Furthermore, learned Tribunal has made a deduction of 1/3rd towards personal expenses keeping in view the fact that the claimants are 2 in number. However, as claimant No.2 is a 30-year-old son of the deceased, deduction of 50% was liable to be made. Learned Tribunal has further correctly applied multiplier of 7. Under the conventional heads, learned Tribunal has awarded Rs.70,000/- in conformity with judgment of Hon'ble Supreme Court in ***"Pranay Sethi (supra)***; thereby granting total compensation of Rs.6,49,600/- in the following manner: -

Sr. No.	Heads	Calculation (in Rs.)
(i)	Income	Rs.10,350/-
(ii)	1/3rd deduction as personal expenses of the deceased	Rs.6,900 (Rs.10350-3450)
(iii)	Compensation after multiplier of 7 is applied	Rs.5,79,600/- (6900 x 12 x 7)
(iv)	Non-pecuniary damages	Rs.70,000/-
	Total compensation awarded	Rs.6,49,600/-



8. Hence, compensation awarded to the appellants is already in excess of what is admissible to them as per law.

9. In view of the above, no ground is made out to interfere in the impugned Award dated 28.05.2019. The present Appeal is hereby **dismissed.**

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

24.09.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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