

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

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FAO-2701-2022 (O&amp;M)

Date of decision: 04.09.2025

Shyamo and another

...Appellant(s)

Vs.

Gurmeet Singh and others

...Respondent(s)

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Pardeep Dhull, Advocate for the appellants  
through V.C.

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**NIDHI GUPTA, J.**

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.13,58,280/- awarded by the Motor Accident Claims Tribunal, Kaithal (hereinafter "the learned Tribunal") vide Award dated 01.04.2022 passed in MACP Case No.10 dated 17.01.2020 filed under Section 166 of the Motor Vehicles Act, (hereinafter "the Act"). The 2 claimants are the mother and minor son of the deceased Mohan Gir @ Devdutt.

2. At the very outset, it may be pointed out that the present Appeal is of the year 2022. However, notice has not yet been issued in the same as, since inception, none has appeared on behalf of the appellant.

3. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it, concluded that the deceased- Mohan Gir @ Devdutt had died due to the injuries suffered by him in a motor vehicular accident that took place on 25.11.2019 due to



rash and negligent driving of a Dumper bearing registration No.HR39C-7143 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. Ld. Tribunal awarded the above said compensation along with interest @ 6% per annum. All the respondents were held jointly and severally liable to pay the compensation amount.

4. Learned counsel for the appellants seeks enhancement of compensation merely by submitting that “*very low compensation under all heads on account of death of deceased*” has been awarded by the learned Tribunal. It is also submitted that at the time of accident, minimum wages were Rs.10,000/- p.m.; whereas the learned Tribunal has taken Rs.8,200/-p.m. It is accordingly prayed that the present Appeal be allowed; the Award be modified and compensation be enhanced.

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

6. Perusal of the record of the case shows that at the time of accident, deceased was 44 years old. Appellants were unable to prove the income of the deceased. As such, learned Tribunal had assessed the income of the deceased as an unskilled worker as Rs.8,200/-p.m. It has been contended on behalf of the appellants that as per the relevant Minimum Wage Notification, income ought to have been taken as Rs.10,000/- p.m. However, no such Notification has been produced by the appellants to substantiate their contention. As such, I find no error in the



income as assessed by the learned Tribunal. As the deceased was 44 years old, addition of 25% future prospects was correctly made; and multiplier of 14 was also correctly applied. As there were 2 claimants, deduction of 1/3rd was also correctly made; thereby calculating total loss of dependency to be Rs.11,48,280/-. Under the conventional heads, learned Tribunal has further awarded Rs.40,000/- for loss of consortium; Rs.15,000/- for loss of estate; Rs.15,000/- for funeral expenses; Rs.1 lakh for loss of love and affection; and Rs.40,000/- as filial consortium to appellant/claimant No.1; thereby granting total compensation of Rs.13,58,280/-.

7. From the above, it is clear that compensation far in excess of what is admissible as per law, has already been awarded to the appellants.

8. Thus, no ground is made out to interfere in the impugned Award. Accordingly, the present appeal is hereby **dismissed**.

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

**04.09.2025**

Divyanshi

**(NIDHI GUPTA)  
JUDGE**

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