



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

125

FAO-3386-2024 (O&M)
Date of decision: 11.09.2025

Usha Rani and others

...Appellant(s)

Vs.

Anas and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Vipul Sharma, Advocate
for the appellants.

NIDHI GUPTA, J.CM-12146-CII-2024

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 CPC is for condonation of delay of 790 days in refiling the accompanying appeal.

2. The only reason cited in the application for condonation of delay of 790 days in refiling the appeal is that Id. counsel for the appellants changed his office in 2022 and the file of the appellants got mixed up in the admitted matters; and the same could be traced only in the year 2024.

3. The above said reason is does not constitute sufficient ground for condonation of extraordinary and inordinate delay of 790 days.

4. Hence, the present application is **dismissed**.

**CM-12147-CII-2024**

Prayer in this application filed under Section 5 of the Limitation Act read with Section 151 CPC is for condonation of delay of 245 days in filing the accompanying appeal.

2. The reason given in the application is vague and does not constitute sufficient ground for condonation of extraordinary and inordinate delay of 245 days.

3. The application is accordingly **dismissed**.

FAO-3386-2024 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.35,94,940/- awarded by the learned Motor Accident Claims Tribunal, Ambala (hereinafter referred to as “the learned Tribunal”) vide Award dated 12.04.2019 passed in MACP Case No. 36 dated 03.04.2018 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as “the Act”). 5 claimants are the widow; 2 minor children; and parents of the deceased Anil Kumar, who was 38 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-Anil Kumar had died on 14.03.2018 due to the injuries suffered by him in a motor vehicular accident that took place on 12.03.2018 due to the rash and negligent driving of a Car bearing registration No.HR-05-AF-5166 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The



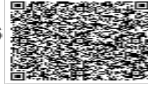
learned Tribunal awarded the above said compensation along with interest @ 7.5% per annum. All the respondents were held jointly and severally liable to pay the said compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that deduction of 1/4th has been made towards personal expenses; whereas it should have been 1/5th. Further, very meagre amount has been awarded under the conventional heads. Income of the deceased has also been taken on the lower side despite the fact that appellants had proved that the deceased was earning Rs.25,000/- p.m. by way of ample and credible evidence. Rate of interest also deserves to be enhanced to 12% p.a.

4. It is accordingly prayed that present Appeal be allowed; and the compensation be enhanced as above.

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 in the submissions made on behalf of the appellants.

6. The record reveals that the pleaded case of the appellants was that the deceased was 30 years old at the time of his death. Prior to the accident, deceased was stated to be employed as a Mechanic in Pasco Motor Dosarka and was getting salary of Rs.25,000/-p.m. It has further been pleaded that the claimants had spent Rs.2 lakhs on treatment, transportation, funeral and last rites of the deceased. Accordingly, compensation of Rs.1 Crore was prayed for.



7. However, it was argued before the learned Tribunal that the deceased was 38 years old at the time of accident and was working as a Senior Mechanic/Foreman with Pasco Motors, Ambala and was getting salary of around Rs.19,000/- p.m. In support, reliance has been placed upon the statement of PW3 Pawan Kumar and the documents Ex.P1 to Ex.P4. On the basis of the evidence brought on record by the appellants, learned Tribunal had determined the age of the deceased to be 38 years old at the time of accident on the basis of his PAN Card 'Mark-C' in which date of birth of the deceased was mentioned as 08.01.1979. Further from the above-mentioned documentary evidence produced by the appellants Ex.P1 to Ex.P4 which included salary slip, certificates and appointment letter issued by M/s. Pasco Motors, Ambala, salary of the deceased was reflected to be Rs.18,642/- p.m. Learned Tribunal had accordingly taken income of the deceased to be Rs.18,650/- p.m. As deceased was 38 years old, future prospects @ 40% were added; thereby calculating monthly income to be Rs.26,110/- (Rs.18,650+Rs.7,460/-). Although, there were 5 claimants, however, father of the deceased was not taken to be dependent being only 56 years old. Learned Tribunal had therefore, correctly made addition of 1/4th towards personal expenses; thereby calculating monthly income to be Rs. 19,587/- (Rs.26,110-Rs.6,527/-); and the annual dependency to be Rs.2,34,996/- (Rs.19,587 x 12). Learned Tribunal had further correctly applied multiplier of 15; thereby calculating total dependency to be Rs.35,24,940/- (Rs.2,34,996/- x 15). Under the conventional heads, learned Tribunal had further awarded an amount of



Rs.70,000/- towards loss of estate, loss of consortium and funeral expenses; thereby granting total compensation of Rs.35,94,940/-.

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 appellants. 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 ***"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 compensation.

9. Further, a 3-Judge Bench judgment of the Hon'ble Supreme Court in the case of ***"Reshma Kumari v. Madan Mohan (SC) 2013(5) Scale 160; Law Finder Doc ID # 421379"***; holding that: *"Motor Vehicles Act, 1988, Section 168 - Section 168 provides that amount of compensation awarded by the Claims Tribunal which appears to it to be just - The expression, 'just' means that the amount so determined is fair, reasonable and equitable by accepted legal standards and not a forensic lottery -*



Obviously 'just compensation' does not mean 'perfect' or 'absolute' compensation - The just compensation principle requires examination of the particular situation obtaining uniquely in an individual case."

10. Accordingly, the present appeal is hereby **dismissed**.

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

11.09.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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