



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

137-5

FAO-2581-2020 (O&amp;M)

Date of decision : 08.04.2025

**Monika Rani and others****..... Appellants****versus****Dinesh and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Mr. Hardeep Kasan, Advocate and  
Mr. Vipul Sharma, Advocate  
for the appellants.

Mr. Vishal Aggarwal, Advocate  
for respondent No.3-Insurance company.

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**PANKAJ JAIN, J. (Oral)**

1. Claimants are in appeal seeking modification of the award passed by MACT, Kaithal dated 19.09.2019 under Section 166 of the Motor Vehicles Act.
2. Claimants filed petition under Section 166 of the Motor Vehicles Act seeking compensation on account of death of Kulbir in a motor vehicular accident. It was claimed that on 02.05.2016, Kulbir-deceased alongwith Sandeep and Dinesh were going from Rohtak to Jhajjar in car bearing registration No.HR-83-7051. Whey they reached near Mahrana-Dujhana Chowk, car make Innova bearing registration No.HR26BN-4429 came from the side of village Beri at a very high speed and struck the car of the deceased. Resultantly, the car turned turtle and collided with the divider. Kulbir and Dinesh succumbed to the injuries at the spot. Kulbir was declared dead. Issue with respect to rash and negligent driving of the respondents stands answered in favour of



the claimants. The issue in the present appeal is for enhancement compensation only.

3. The claimants claimed that Kulbir was running a coaching centre apart from agricultural work. He was earning Rs.50,000/- per month. Tribunal found no documentary evidence to prove earning of Kulbir as claimed. Tribunal assessed monthly income of the deceased @ Rs.9750/- relying upon the notified wages. Compensation was computed accordingly. Primary issue relates to income of the deceased.

4. Counsel for the appellants submit that deceased was holding a degree of Bachelor of Arts and had certificate in Elementary Teacher Training Course. The Tribunal erred in assessing his income @ Rs.9750/- per month.

5. *Per contra*, counsel for the respondent-Insurance company argued that there was no evidence to show that the deceased was indeed earning Rs.50,000/- per month. Thus, Tribunal rightly relied upon minimum wages notified by the State.

6. In the opinion of this Court, keeping in view the fact that deceased possessed Elementary Teacher Training course certificate, it will be apt to assess his salary more than the notified wages for skilled worker.

7. In view of above, this Court finds that it will be in the interest of justice that the income of the deceased Kulbir be assessed @ Rs.15,000/- per month. Claimants are entitled for multiplier of 16. Deduction of 1/4th will apply to calculate the dependency. Keeping in view the age of the deceased i.e. 31 years, 40% future prospects need to be awarded. Rs.15,000/- is awarded under head of loss of estate and



Rs.15,000/- is awarded under the head of funeral expenses. Each of the claimant is awarded an amount of Rs.48,000/-.

7. Appeal is disposed off, accordingly.

8. Since the main case has been decided, pending miscellaneous application, if any, shall also stands disposed off.

**(PANKAJ JAIN)**  
**JUDGE**

**08.04.2025**

Dinesh

Whether speaking/reasoned : Yes

Whether Reportable : No