

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

226

FAO-250-2020(O&M)
Date of decision: 26.09.2025**Surender Kumar & Another****...Appellant(s)****Vs.****Nausad & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Sweta Chahal, Advocate for
Mr. Satbir Singh Kanwar, Advocate
for the appellants.

Mr. Munfad Khan, Advocate
for respondent No.1.

Mr. Rahul Pathania, Advocate
for respondent No.3.

*********NIDHI GUPTA, J.**

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.9,37,200/- awarded by the Motor Accident Claims Tribunal, Mewat (hereinafter 'the learned Tribunal') vide Award dated 30.08.2019 passed in MACP/122 dated 05.03.2018 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 2 claimants are the 44-year-old father and 38-year-old mother of deceased Yogesh, who was 17-year-old student of 11th class, at the time of accident.



2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Yogesh had died due to the injuries suffered by him in a motor vehicular accident that took place on 03.11.2017 at about 7 pm due to the rash and negligent driving of vehicle bearing registration No.HR-74-6595 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2; and insured by respondent No.3. The aforesaid compensation has been awarded along with interest @ 7.5% p.a. Respondents were held jointly and severally liable for payment of compensation.

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.6,000/- per month. It is submitted that the deceased was a brilliant student of Class 11, and he was the future source of income of his parents. As such, monthly income of the deceased ought to have been taken as 9,065/- per month as that of a skilled worker. Even only Rs.15,000/- has been granted for funeral expenses; whereas the appellants have incurred expense of Rs.50,000/- over last rites. Further, appellants were entitled to loss of love and affection of Rs.50,000/- each and loss of filial consortium of Rs.40,000/- each; whereas no consortium has been awarded to the appellants. Interest has been granted at the rate of 7.5% per annum only which should be 12% per annum. Further, deduction of 50% has been



incorrectly made. Learned counsel accordingly prays for enhancement of awarded compensation.

4. In Para 3 of the present Grounds of Appeal, it has been pleaded as follows: –

“3. The Ld. MACT Mewat has flagrantly erred in assessing the monthly income of the deceased worth Rs.6000/- per month has been taken which is very much to the lower side. That the Ld. MACT wrongly ignored the fact that deceased was a brilliant student of 11th class student and he was the future source of income of his parents in their old age so monthly income of the deceased should have been taken at least on the basis of the notification of the Haryana Government, Labour Department year July 2017. That the Ld. MACT should have been considered the monthly income of the deceased as clerical and General staff category (completed matriculation but not graduate) which was Rs.9065/- per month at relevant time as per notification, Labour Department, Haryana. The learned MACT, Mewat has committed grave error in ignoring the stringent evidence of income of the deceased hence the impugned award is liable to be modified enhancing the amount of compensation suitably in the interest of justice.”

5. Per contra, learned counsel for respondents No.1 and 3 oppose the submissions made on behalf of the appellants and submit that the impugned Award suffers from no error and present appeal be dismissed.

6. No other argument is made on behalf of the parties.

7. I have heard learned counsel and perused the case file in detail.



8 It has been contended on behalf of the appellants that income of the deceased has been taken on lower side as only Rs.6000/- per month. Although it has been stated on behalf of the appellants that income ought to be taken as ₹9065/- per month as that of a skilled worker, however, no Minimum Wage Notification issued by the Government has been produced. Nonetheless, it is necessary to note that the learned Tribunal in Para 23 of the impugned Award has recorded that as per the Secondary Examination Certificate of the deceased, his general awareness and life skills have been graded as “Very Good”. It would therefore appear that the deceased had a bright future. In this view of the matter, income of the deceased is re-assessed as Rs.8,000/- per month. Deduction of 50% has been correctly made as deceased was a bachelor. Further addition of 40% was correctly made as deceased was 17 years old at the time of death; and multiplier of 18 has also been correctly applied. Under the conventional heads the Tribunal awarded Rs.15,000/- towards last rites and transportation expenses; Rs.15,000/- to claimant No.2 towards loss of estate, which is accordance with law; thus, granting total compensation of Rs.9,37,200/-. However, nothing has been granted to the appellants by way of filial consortium. As such, Rs.40,000/- each is granted towards filial consortium (Rs.40,000/- x 2 = Rs.80,000/-).

9. In view of the above, the present appeal is **partly allowed**; and the compensation awarded to the appellants is re-assessed as under:-

| Head | Awarded by Id. Tribunal | Re-assessed compensation |
|------|-------------------------|--------------------------|
|------|-------------------------|--------------------------|



| | | |
|-------------------|--|---|
| Monthly Income | Rs.6,000/- | Rs.8,000/- |
| Annual Income | Rs.72,000/- | Rs.96,000/- |
| Deduction | (50%) Rs.72,000/- - Rs.36,000/- = Rs.36,000/- | (50%) Rs.96,000/- - Rs.48,000/- = Rs.48,000/- |
| Future prospects | (40%) Rs.36,000/- + Rs.14,400/- = Rs.50,400/- | (40%) Rs.48,000/- + Rs.19,200/- = Rs.67,200/- |
| Multiplier | (18) Rs.50,400/- x 18 = Rs.9,07,200/- | (18) Rs.67,000/- x 18 = Rs.12,09,600/-. |
| Funeral expenses | Rs.15,000/- | Rs.15,000/- |
| Loss of estate | Rs.15,000/- | Rs.15,000/- |
| Filial consortium | Nil. | Rs.40,000/- x 2 = Rs.80,000/- |
| Total | Rs.9,37,200/- | Rs.13,19,600/- |

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

26.09.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No