

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****240****FAO-973-2022 (O&M)****Date of decision:14.02.2025****Balwinder Kaur and others****...Appellant(s)****Vs.****Anil Rana and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Charitr Kadyan, Advocate for the appellants.

Mr. Nitin Gupta, Advocate for respondent
No.3-Insurance Co.

NIDHI GUPTA, J.

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.23,53,500/- granted by the Motor Accident Claims Tribunal, Hoshiarpur (hereinafter referred to as 'the Tribunal') vide Award dated 07.07.2021 passed in MACT Case No. 110 dated 27.11.2017 filed under Section 166 of the Motor Vehicles Act (hereinafter referred to as 'the Act'). The 5 claimants/appellants herein, are the widow, 2 minor children, and parents of the deceased Ranvir Singh, who is stated to have been about 39 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of the pleadings and evidence adduced before it, concluded that the deceased Ranvir Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 15.02.2017 due to the rash and



negligent driving of the Truck bearing registration No. WB-71-A-8733 (hereinafter referred to as 'the offending vehicle') being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3 herein. The learned Tribunal awarded the compensation as above alongwith interest @ 6% per annum from the date of claim petition till realization with costs. All the respondents were held liable to pay the said compensation jointly and severally.

3. Learned counsel for the appellants/claimants seeks enhancement of compensation awarded by the learned Tribunal primarily on two grounds. It is firstly submitted that interest on the awarded compensation has been granted only @ 6% per annum. It is submitted that the said rate of interest deserves to be enhanced.

4. The second ground on which the enhancement is sought is that in computing the compensation payable to the claimants, the learned Tribunal has not taken into account the agricultural income of the deceased. It is accordingly prayed that the impugned Award be modified.

5. No other argument is raised on behalf of the appellants.

6. I have heard learned counsel for the appellants and perused the case file in great detail.

7. Perusal of the record of the case shows that the claimants filed the present claim petition with the averment that the 39 year old deceased was serving as a Driver in a Transport Company and earning Rs. 25,000/- per month. It was further pleaded that the deceased was also doing agricultural work from which he earned Rs.5,000/-p.m. However,



admittedly the claimants failed to produce any documentary proof in respect of either avocation of the deceased. No driving license of the deceased was produced to show that he was a Driver by profession. On a direct Court query, it has been admitted by learned counsel for the appellants that no revenue record was provided by the claimants to show that deceased was owner of or had leased land on which he was doing agricultural work. As such, in the absence of any documentary proof, the learned Tribunal had assessed the income of the deceased as Rs.12,000/- p.m. In the above noted facts and circumstances, I find no error in the same.

8. Learned Tribunal further granted compensation in the following manner:-

As already noted above, the income of the deceased has been taken as Rs.12,000/- p.m. Thus, annual income comes out to be Rs.1,44,000/-. The age of the deceased was established to be 39 years at the time of accident on the basis of postmortem report (Ex.A4). As such, Future prospects were correctly added @ 40%; and annual income of the deceased was calculated to be Rs.2,01,600/-. As there were 5 claimants, deduction of 1/4th was made towards personal expenses and annual dependency of the family came to be Rs.1,51,200/-. In view of the age of the deceased, multiplier of 15 was correctly applied. Thus, taking the compensation amount to be Rs.22,68,000/-. Further, an amount of Rs.44,000/- was granted towards loss of consortium to the claimant-appellant No.1/widow of the deceased; Rs.16,500/-towards loss of estate;



and Rs. 25,000/- as travelling expenditure and funeral expenditure. Thus, total compensation of Rs.23,53,500/- has been awarded to the claimants.

9. From the above facts, it is clear that a very just and fair compensation has been awarded to the claimants. As such, I find no case is made out that merits interference with the impugned Award. The Hon'ble Supreme Court in '*State of Haryana and another Vs. Jasbir Kaur and others*' Law Finder Doc ID # 64043 and '*Divisional Controller K.S.R.T.C. Vs. Mahadev Shetty and another*', (2003) 7 SCC 197, has held that the amount of compensation should be just and reasonable, it should neither be a windfall or a bonanza nor a source of profit but at the same time it should not be a pittance. Thus, all that has to be determined in the facts of a given case is, that the compensation accorded is 'just'. In my considered view, in the present case, the learned Tribunal has awarded a very 'just' compensation, which is in accordance with the law laid down by the Hon'ble Supreme Court and therefore, does not warrant the interference of this Court.

10. In view of the above, present appeal is **dismissed**.

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

14.02.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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