



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**IOIN-1-FAO-2069-2008 in/and
FAO-2069-2008 (O&M)
Date of decision: 22.09.2025**

Gela Ram and another

...Appellant(s)

Vs.

Angrej Singh and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Aman Nain, Advocate for
Mr. Ravinder Malik (Ravi), Advocate
for the appellants.

Mr. Pardeep Goyal, Advocate for respondent No.3.

NIDHI GUPTA, J.

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Today, only the IOIN was listed as learned counsel for the appellants has failed to provide correct and complete address of respondents No.1 and 2 in order to issue notice to them.

2. However, learned counsel for the parties submit that the case can be heard and decided without service of respondents No.1 and 2. As such, the main case is taken up for hearing today itself at their request.

3. Keeping in view the above, IOIN stands disposed of.

FAO-2069-2008 (O&M)

The present appeal has been filed by the claimants seeking enhancement of lump sum compensation of Rs.1,00,000/- awarded by the



learned Motor Accident Claims Tribunal, Karnal (for short “the learned Tribunal”) vide Award dated 16.11.2007 passed in MACT Case No. 11 dated 31.01.2006 filed under Section 163-A of the Motor Vehicles Act, 1988. The 2 claimants are the husband; and son of the deceased Krishna Devi.

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- Krishna Devi had died due to the injuries suffered by her in a motor vehicular accident that took place on 12.10.2005 due to the rash and negligent driving of a Truck bearing registration No.HR-45-0369 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that the appellants had duly proven on record that deceased was self employed; and was registered as a mid wife; and was also doing the work of massaging of newly born babies and their mothers. The deceased was earning a sum of Rs.3,300/- p.m. from this avocation. Yet, learned Tribunal has awarded lump sum amount of only Rs.1 lakh, which is not sufficient. It is accordingly prayed that the impugned Award be modified; and compensation awarded to the appellants be enhanced.

4. *Per contra*, learned counsel for respondent No.3 opposes submissions made on behalf of the appellants and submits that the impugned Award suffers from no infirmity as the compensation awarded to the appellants is just and fair. Hence, the present appeal deserves to be dismissed.



5. No other argument is raised on behalf of the parties.
6. I have heard Id. counsel and perused the case file in detail.
7. I find no merit in the submissions advanced on behalf of the appellants. It was the pleaded case of the appellants that the deceased was 58 years old at the time of accident, and she was hale and hearty. However, the evidence on record, it was proved that the deceased was 71 years old at the time of accident. The respondent no.3 had produced ration card Ex.R1 in which age of the deceased was mentioned as 65 years. As the Ration Card was prepared 6 years back therefore, at the time of the accident, deceased was 71 years old. This fact was admitted by claimant No.1/husband of the deceased as PW1 in his cross-examination that Ration Card was allotted to him more than 6 years ago. Therefore, it stood proved that the deceased was around 71 years old at the time of accident. Accordingly, learned Tribunal had applied the principle contained under Section 140 of the Act and awarded compensation of Rs.1 lakh. Furthermore, appellants had been unable to produce any evidence to show that the deceased was earning Rs.3,300/- p.m. The appellants had produced only a photocopy of the Certificate dated 06.02.1970 issued by the Punjab Nurses Registration Council certifying the deceased to be a trained Dai, but the same was not sufficient to prove the income of the deceased. Moreover, the same had been issued 35 years prior to the accident and there was nothing on record to indicate that the deceased was still working as a Dai. Even otherwise, there was nothing on record to remotely indicate that the appellant were dependent upon the income of the 71-year-old deceased.

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8. In view of the above, no ground is made out to interfere in the Award dated 16.11.2007. Present appeal is hereby **dismissed**.

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

22.09.2025

Divyanshi

**(NIDHI GUPTA)
JUDGE**

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