

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****235****FAO-161-2015(O&M)
Date of decision: 26.08.2025****Smt. Sunita Devi & Others****...Appellant(s)****Vs.****Rohit Kumar & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Davinder Kalpraman, Advocate for
Mr. Jitender Nara, Advocate
for the appellants.

Mr. Vishal Aggarwal, Advocate
for respondent No.3.

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

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.11,85,000/- awarded by Motor Accident Claims Tribunal, Karnal (hereinafter 'the learned Tribunal') vide Award dated 07.12.2013 passed in MACT Case No.95 dated 17.09.2012 filed under Sections 166/140 of the Motor Vehicles Act (hereinafter "the Act"). The 3 claimants are the widow, minor daughter, and mother of deceased Rajender Kumar.



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 the deceased Rajender Kumar had died due to the injuries suffered by him in the motor vehicular accident that took place on 03.08.2012 due to the rash and negligent driving of Dumper HTV TATA Open bearing registration No.HR-45A-3707 (hereinafter “the offending vehicle”) by respondent No.1. The offending vehicle was owned by respondent No.2 and insured by respondent No.3. The aforesaid compensation has been awarded along with interest @ 9% per annum. Respondents were held jointly and severally liable to pay the amount of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that the income of the deceased has been taken on the lower side as only Rs.5,000/- per month; whereas it was proved on record that the deceased was working as Supervisor in shop No.266, New Grain Market, Karnal. Besides that the deceased was also cultivating 3 acres of land and running a small dairy and his income from all sources was Rs.15,000/- per month. So, income of the deceased has been taken on the lower side as only Rs.5,000/- per month. It is accordingly prayed that the impugned Award be modified, and compensation be enhanced.

4. Heard.

5. To prove the income of the deceased, the appellants had examined Shiv Kumar (PW4), Accountant who has proved the Salary



Certificate (Mark A) and Cash Book (Ex.P4). However, there was no documentary proof of salary of the deceased as Rs.9,000/- per month. No account ledger, letter of appointment, or any such document was produced to prove employment and/or income of the deceased. Even no document was produced to show contribution to ESI account of deceased was produced by the appellants. Thus, income of the deceased was taken as that of a labourer as Rs.5,000/- per month. I find no error in the same. Age of the deceased was 35 years as per his Post-Mortem Report, therefore, addition of 50% was made towards future prospects by the learned Tribunal; thereby calculating income of the deceased as Rs.7,500/- (Rs.5,000/- + Rs.2,500/-). As there were 3 claimants, deduction of $\frac{1}{3}^{\text{rd}}$ was correctly made and annual income of the deceased was assessed to be Rs.60,000/- (Rs.7,500/- - Rs.2,500/- = Rs.5,000/-) (Rs.5,000/- x 12 = Rs.60,000/-). As deceased was 35 years old at the time of death, therefore, multiplier of 16 was correctly applied; thereby calculating total dependency to be Rs.9,60,000/- (Rs.60,000/- x 16). Learned Tribunal has further awarded exorbitant amounts under the conventional heads; of Rs.1 lakh to claimant No.1/widow towards loss of consortium; Rs.1 lakh towards loss of care and guidance to claimant No.2/minor daughter; and Rs.25,000/- towards funeral expenses; thereby granting total compensation of Rs.11,85,000/-. Clearly, the above-said compensation is already far in excess of what is admissible to the appellants as per law. Therefore, no ground is made out to further enhance the



impugned compensation and/or interfere in the impugned Award. Present appeal accordingly stands **dismissed**.

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

26.08.2025

Sunena

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No

(Nidhi Gupta)

Judge