



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

**FAO-2372-1999 (O&M) &
FAO-2373-1999 (O&M)**

Date of decision: 10.09.2025

I. FAO-2372-1999 (O&M)

Smt. Sheela Devi ...Appellant

Versus

Sahib Singh (deceased) through LR and others ...Respondents

II. FAO-2373-1999 (O&M)

Satyavir Singh and another ...Appellants

Versus

Sahib Singh and others ...Respondents

CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA

Present: Mr. N.K. Malhotra, Advocate for the appellant(s).

Ms. Manish Rani, Advocate for
Mr. R.N. Lohan, Advocate for respondent No.1.

Mr. Shubhashish Kukreti, Advocate
for respondent No.3-Insurance Company.

DEEPAK GUPTA, J.

Mr. Shubhashish Kukreti, Advocate, appears for respondent No.3-Insurance Company in both appeals and has filed power of attorney, which is taken on record.

2. Both appeals have been preferred by the claimants seeking enhancement of compensation against award dated 09.12.1997 passed by the Motor Accident Claims Tribunal, Bhiwani.



3. The accident occurred on 16.03.1994, involving one Tata Four Wheeler No. HR-21-5877. Claimant Smt. Sheela Devi (*appellant in FAO No.2372-1999*) sustained injuries, while her nephew Satyawan, aged 12 years, succumbed. His parents, Satyavir Singh and Chanderkalan (*appellants in FAO No.2373-1999*), filed a separate claim petition. Both petitions were directed against the driver, owner, and insurer of the offending vehicle, alleging rash and negligent driving.

4. The Tribunal held the driver responsible for the accident and awarded ₹5,000/- with interest to Smt. Sheela Devi for injuries, and ₹80,000/- with interest to the parents of the deceased child. The driver and owner were held jointly and severally liable, while the Insurance Company was exonerated on account of breach of policy conditions.

5. Counsel for respondent No.3 informs that the driver and owner had earlier challenged the exoneration of the Insurance Company in an FAO, which already stands dismissed. This factual position is not disputed.

6. In the present appeals, respondent No.2 (owner) has been proceeded ex parte. Only the driver contests.

FAO No.2372-1999 (Injured Claimant – Smt. Sheela Devi)

7. The Tribunal recorded that the claimant sustained five minor, simple injuries, with no fracture or hospitalization. No medical bills were produced to establish expenditure on treatment. In such circumstances, compensation of ₹5,000/- based on assessment of pain and suffering cannot be termed inadequate. Compensation under the Motor Vehicles Act must be “just,” but “just” does not mean liberal or fanciful; it must be proportionate to the proved injuries and supported by evidence. Since the claimant led no material evidence to show further loss, the award cannot be enhanced.



8. Accordingly, FAO No.2372-1999 is dismissed.

FAO No.2373-1999 (Death of Minor – Satyawan)

9. The deceased was a 12-year-old boy, who had discontinued studies in 5th standard and was not earning. The Tribunal awarded ₹80,000/- on guesswork. Learned counsel for the appellants contends that the amount is inadequate and relies on *Meena Devi v. Nunu Chand Mahto @ Nemchand Mahto and Ors.* 2022 (4) RCR (Civil) 553, wherein Hon'ble Supreme Court enhanced compensation for death of a 12-year-old child in a 2003 accident from ₹3,00,000/- to ₹5,00,000/-.

10. The principle of *just compensation* under Section 168 of the Motor Vehicles Act requires a fair, reasonable, and not arbitrary assessment, keeping in view both pecuniary and non-pecuniary damages. However, quantum cannot be uniform across cases and must consider the time of accident, economic conditions, and available evidence.

11. Unlike *Meena Devi's case*, the present accident occurred in 1994, when income levels were comparatively lower. Applying the structured formula evolved in *Sarla Verma v. DTC AIR 2009 SC 3104*, notional income of ₹2,000/- per month (₹24,000/- per annum) is taken for a non-earning child. Deducting ½ towards personal expenses, dependency (only for the mother of the deceased child) is assessed at ₹12,000/- per annum. Applying a multiplier of 15, the loss of dependency comes to ₹1,80,000/-.

12. In addition, ₹20,000/- is awarded towards loss of filial consortium and ₹10,000/- for funeral expenses. Thus, the total compensation is assessed at ₹2,10,000/-.

13. The appeal is accordingly allowed, enhancing compensation from ₹80,000/- to ₹2,10,000/-, payable jointly and severally by respondents

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N: 1 & 2 (driver & owner of the offending vehicle) with interest at 7.5% per annum from the date of filing of the claim petition till realization.

14. Pending miscellaneous applications, if any, stand disposed of.

10.09.2025

Yogesh

**(DEEPAK GUPTA)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No