



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**  
**281** **FAO-3914-2023(O&M)**  
**Date of decision: 18.03.2025**

**Baljit Kaur & Others**

**...Appellant(s)**

**Vs.**

**Karamjit Singh & Another**

**...Respondent(s)**

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Vishal Satija, Advocate  
for the appellants.

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**NIDHI GUPTA, J.**

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.5,44,117/- granted by Motor Accident Claims Tribunal, Sangrur vide Award dated 07.02.2023 passed in MACP No.179 dated 07.12.2020 filed under Section 166 of the Motor Vehicles Act, 1988. The 4 claimants are the widow, 28-year-old son, 24-year-old son, and 22-year-old daughter of the deceased Mela Singh.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and oral & documentary evidence adduced before it concluded that the deceased Mela Singh had died due to injuries suffered by him in a motor vehicular accident that took place on 15.10.2020 due to the rash and negligent driving of truck bearing registration No.PB-13-BJ-9912(hereinafter referred to as "the offending vehicle") by respondent No.1. The offending vehicle was owned by respondent No.1 and insured by respondent No.2.

3. The only ground on which learned counsel for the appellant seeks enhancement of compensation is that nothing has been granted by way of consortium to claimants/appellants No.2 to 4 i.e. the children of the deceased Mela Singh.

4. No other argument is made on behalf of the appellants.



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

6. I find no ground is made out to interfere in the impugned Award as perusal of the file reveals that in the fact and circumstances of the case, a very just and fair compensation has been awarded to the appellants, as follows. On the basis of Aadhaar Card of the deceased, his age was taken to be 63 years. As per the claimants, the deceased was working in IAL Factory and earning Rs.7,500/- per month. Although no proof of income was produced by the appellants, yet the learned Tribunal has taken income of the deceased as Rs.7,500/- per month; thereby calculating his annual income to be Rs.90,000/-. As the deceased was more than 60 years of age, the learned Tribunal had relied upon Constitution Bench judgment of Hon'ble Supreme Court in "**National Insurance Company Ltd. VS. Pranay Sethi & Others**" Law Finder Doc ID # **918174**, to hold that no future prospects were to be awarded. As there were 4 claimants, the learned Tribunal had made deduction of 1/4<sup>th</sup> towards personal expenses. However, it is my view that as the claimants No.2 to 4 were aged 28, 24 and 22 years respectively and were major, and their dependency on the deceased was not proven, therefore deduction of at least 1/3<sup>rd</sup> ought to have been made towards personal expenses. Be that as it may, multiplier of 7 was correctly applied as the deceased was 63 years of age. The learned Tribunal further granted Rs.15,000/- each for funeral expenses and loss of estate; and Rs.40,000/- for consortium. The learned Tribunal had further granted medical expenses of Rs.1,617/-. Thus, holding the appellants entitled for compensation of Rs.5,44,117/-.

7. It has been contended on behalf of the appellant that claimants no.2 to 4 were entitled to consortium. However, I find no merit in the said argument of the appellants as, it has been held by the Hon'ble Supreme Court in "**Shri Ram General Insurance Co. Ltd. Vs. Bhagat Singh Rawat & Others**" Civil Appeal Nos.2410-2412/2023 Law Finder Doc ID # **2251622** and "**Mehmooda Bee & Others Vs. National Insurance Co. Ltd.**"



**(@ SLP (C) No.16767 of 2022) Law Finder Doc ID # 2070774** and **“Bebi Giri Vs. National Insurance Co. Ltd.” Civil Appeal No.6551 of 2022 Law Finder Doc ID # 2070826**, that a total sum of Rs.77,000/- is to be granted under the conventional heads. In the present case, an amount of ₹70,000 has been granted under the convention heads. As such, no ground for interference is made out.

8. From the above facts, it is clear that a very just and fair compensation has been awarded to the appellants. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation granted to the appellants. Accordingly, in view of the discussion above, I find no case is made out which merits interference with the impugned Award. I find the compensation awarded to the appellant to be just and fair in the facts and circumstances of the case. No doubt Chapter-12 of the Act is a beneficial legislation yet, as cautioned by the Hon’ble Supreme Court, the same cannot be allowed to be treated as a windfall or a source of profit. Hon’ble Supreme Court in **‘State of Haryana & Another Vs. Jasbir Kaur & Others’ Law Finder Doc ID # 64043** and **‘Divisional Controller K.S.R.T.C. Vs. Mahadev Shetty’, (2003) 7 SCC 197**, has held that the amount of compensation should be just and reasonable, it should neither be 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. In the case of **“General Manager, KSRTC Vs. Susamma Thomas & Others” 1994 Volume-II SCC 176**, the Hon’ble Supreme Court has held that misplaced sympathy, generosity and benevolence cannot be the guiding factor for determining the compensation.

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



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

**18.03.2025**

Sunena

**(Nidhi Gupta)**

**Judge**

**Whether speaking/reasoned: Yes/No**

**Whether reportable: Yes/No**