IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

123

FAO-2919-2025(O&M)
Date of decision: 23.04.2026

Mamta Bansal & Others

...Appellant(s)

Vs.

Rakesh Kumar & Others

...Respondent(s)

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CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Ms. Kritika Mandhan, Advocate
for the appellants.

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NIDHI GUPTA, J.

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.18,66,792/- awarded by the Motor Accident Claims Tribunal, Hisar (hereinafter 'the learned Tribunal') vide Award dated 04.02.2025 passed in CIS No.MACP 102 dated 07.03.2022 filed under Sections 166 and 144 of Motor Vehicles Act (hereinafter "the Act"). The 5 claimants are the widow, two daughters, one son and mother of deceased Bhagirath, who was 42 years old at time of accident.

2. Brief facts of the case are that the ld. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the deceased Bhagirath had died due to the injuries suffered by him in a motor vehicular accident that took place on 04.01.2022 due to the rash and negligent driving of Car bearing registration No.HR-39B-

5688 (hereinafter "the offending vehicle") being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The said compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has not been properly assessed and has been taken on the lower side. Multiplier has also been applied on the lower side. Less income has been added on account of future prospects. Interest should have been 12%. It is accordingly prayed that the present appeal be allowed and impugned Award be modified.

4. No other argument is made on behalf of the appellants. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions advanced on behalf of the appellants.

5. Perusal of record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that prior to the accident, deceased was working as a Munim with M/s Subhash Chander Bhagirath Mal, Shop No.51, New Grain Market/Firm and drawing salary of Rs.35,000/- per month. To prove their contention, the claimants had produced Salary Record of the deceased for the period 01.07.2021 to 31.03.2022 (Ex.P1); Profit and Loss Account Statement of the Firm (Ex.P2); Registration Form of the Firm (Ex.P3) and Tax Audit Report (Ex.P13). The claimants had also examined PW2

Priyank Tayal, to prove the above-said documents. However, it is admitted fact on record that the said alleged salary of Rs.35,000/- per month was stated to have been paid to the deceased in cash. Even no supportive documentary evidence in the form of receipt, register of the Firm, or any other record of the Firm proving payment of salary of Rs.35,000/- per month to the deceased was produced. This fact has been admitted by PW2 in his cross-examination that *"he has not brought any record which was being maintained by the firm regarding salary of Bhagirath".* Learned Tribunal has also rejected the Tax Audit Report (Ex.P13) of the Firm on the ground that the said Report had been filed on 21.08.2022 i.e. after the accident dated 04.01.2022. As such, the same had no relevance to the employment record of the deceased. Even no bank account statement of the deceased was produced to prove payment of ₹35,000/– as salary per month. Accordingly, in the absence of any credible evidence, learned Tribunal had taken income of the deceased as Rs.10,100/- per month as that of an unskilled labourer on the basis of the relevant Minimum Wage Notification.

6. Further, age of the deceased was determined to be 42 years 10 days at the time of accident on the basis of his Aadhaar Card (Ex.P15), wherein his date of birth is recorded to be 25.12.1979. Accordingly, the learned Tribunal had made an addition of 25% towards future prospects; and correctly applied multiplier of 14. Further, as there were five claimants, the Tribunal has made a deduction of $1/4^{th}$ towards personal expenses. Under

the conventional heads, the learned Tribunal has awarded an amount of RS.2,40,000/- by way of spousal, parental and filial consortium i.e. Rs.48,500/-; Rs.18,000/- towards loss of estate; Rs.18,000/- towards transportation and funeral expenses; thereby granting total compensation of Rs.18,66,792/- in the following manner:-

Head	**Amount**
Monthly income	Rs.10,100/-
Future prospects @ 25%	Rs.10,100/- + Rs.2525/- = Rs.12,625/-
Deduction of 1/4th towards personal and living expenses	Rs.12,625/3=Rs.3156/-
Total yearly income	Rs.12,625/- - Rs.3156/- = Rs.9469 x 12 = Rs.1,13,628/-
Multiplier of 14	Rs.1,13,628/- x 14 = Rs.15,90,792/-
Spousal consortium to claimant No.1; Parental consortium to claimants No.2 to 4; Filial consortium to claimant No.5	Rs.2,40,000/-
Transportation and funeral expenses	Rs.18,000/-
Loss of estate	Rs.18,000/-
Total	**Rs.18,66,792/-**

7. From the above, it is clear that in the facts and circumstances of the case, 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. 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

2026:PHHC:062416

'Divisional Controller K.S.R.T.C. Vs. Mahadeva 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. 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.

8. Learned counsel for the appellants is unable to dispute or controvert the aforesaid facts and findings.

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

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

23.04.2026 **(Nidhi Gupta)**
Sunena **Judge**

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