



FAO-5123-2025 (O&M)

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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

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FAO-5123-2025 (O&M)
Date of decision :12.01.2026

SMT. SHILA

... APPELLANT

VERSUS

LADU RAM AND ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Parmod Chauhan, Advocate (through V.C.)
for the appellant.

PARMOD GOYAL, J.**CM-17057-CII-2025**

This is an application for condonation of delay of 43 days in refiling the present appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 43 days in refiling the present appeal, is hereby condoned.

CM-17058-CII-2025

This is an application for condonation of delay of 220 days in filing the present appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 220 days in filing the present appeal, is hereby condoned.

Main Case

1. Claimant-appellant, being dissatisfied with the award of compensation of ₹16,46,770/- passed by the Motor Accident Claims Tribunal, Fatehabad (hereinafter referred to as "the Tribunal"), has preferred the present appeal.



2. It was the case of the claimant-appellant that Sohan Lal @ Sonu died in a motor vehicular accident dated 22.01.2020, which was caused due to rash and negligent driving of the offending vehicle bearing registration No. RJ-13GB-2142 by respondent No. 1. Since there is no dispute with regard to the manner of the accident, the detailed facts are not being adverted to herein for the sake of brevity.

3. The learned Tribunal awarded the compensation by assessing the monthly income of the deceased at ₹9,000/-, applying a deduction of 50% towards personal expenses, and adopting a multiplier of 18, as the deceased was 20 years of age at the time of the accident.

4. The compensation under the head of loss of dependency was calculated by adding 40% towards future prospects, amounting to ₹3,600/-, thereby making the total monthly income ₹12,600/-. After deducting 50% towards personal expenses, the monthly dependency was assessed at ₹6,300/-. Consequently, the loss of dependency was calculated as $₹6,300/- \times 12 \times 18 = ₹13,60,800/-$.

5. In addition, thereto, the Tribunal had awarded ₹40,000/- towards loss of consortium, ₹15,000/- towards funeral expenses, ₹15,000/- towards loss of estate, and ₹2,08,970/- towards medical expenses. Thus, the total compensation awarded came to ₹16,46,770/-.

6. The learned Tribunal has rightly noticed that, except for oral assertions, there was no cogent evidence to substantiate the claim of the claimant-appellant that the deceased was earning ₹70,000/- per month i.e. ₹15,000/- per month as salary, ₹10,000/- per month from rearing buffaloes, and ₹3,00,000/- per annum from cultivation of 7 acres of agricultural land. However, no material was placed on record to establish that the deceased was cultivating 7 acres of land on lease. PW-4 Sant Lal, who claimed that the deceased was cultivating 7 acres of



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land on lease but had failed to produce any documentary evidence such as a lease deed, written agreement, or 'J-Forms' to show that the deceased was cultivating the said land and earning income therefrom.

7. Similarly, no diploma, certificate, or proof of any vocational or technical training was produced to justify the claim that the deceased was earning ₹15,000/- per month while working as a mechanic in the shop of PW-2 Surjeet Singh. The testimony of PW-2 Surjeet Singh also remained a mere oral assertion, there being no supporting documentary material to conclude that the deceased was receiving a salary of ₹15,000/- per month.

8. In these circumstances, the approach adopted by the learned Tribunal in assessing the income of the deceased on the basis of minimum wages payable to an unskilled worker cannot be faulted with. Loss of dependency calculated on the basis of minimum wages prevalent in the year 2020, when the accident occurred, cannot be faulted with. Therefore, no infirmity can be found in the calculations made by the learned Tribunal.

9. The compensation so awarded is in accordance with law. The appeal is, accordingly, devoid of any merit and is dismissed.

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

12.01.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No