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

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**FAO-2565-2023 (O&M)
Date of Decision : 20.04.2026**

Manjit Kaur and Another

....Appellants

VERSUS

Jagtar Singh and Others

....Respondents

CORAM : HON'BLE MS. JUSTICE NIDHI GUPTA

Present: Ms. Jyoti Kaur, Advocate for
Mr. R.S.Waraich (Rana), Advocate for the appellants.

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NIDHI GUPTA, J.

CM-9244-CII-2023

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 06 days in filing the accompanying appeal.

2. Heard.

3. For the reasons mentioned in the application which is supported by an affidavit of the applicant/appellant, the same is allowed and delay of 06 days in filing the accompanying appeal is condoned.

CM-9245-CII-2023

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 162 days in re-filing the accompanying appeal.



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2. Heard.

3. For the reasons mentioned in the application which is supported by an affidavit of the applicant/appellant, the same is allowed and delay of 162 days in re-filing the accompanying appeal is condoned.

FAO-2565-2023

1. Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.13,34,720/- awarded by the learned Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as “the learned Tribunal”) vide Award dated 19.05.2022 passed in MACT Claim Petition No.12 dated 24.01.2019 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as “the Act”). The two claimants are the 43-year-old mother and 48-year-old father of the deceased Dharampreet Singh, who was about 17 years old at the time of accident.

2. Brief facts of the case are that the Tribunal on the basis of pleadings and evidence adduced by the parties had concluded that deceased Dharampreet Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 16.12.2018 at 6:00 PM due to rash and negligence driving of a Splendour Motor Cycle bearing Chassis No. MBLHAROA1JHL68524, Engine No. HA10AGJHLG8067 (hereinafter ‘the offending vehicle’) being driven and owned by respondent No.1 and insured by responding No.2. The above compensation has been awarded along with interest at the rate of 7.5% per annum. The liability to pay said compensation as being fixed upon the respondent No.1 on account of the fact that respondent No.1 had got the offending vehicle insured only after the accident.



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3. Ld. counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only ₹8100/- per month. It is submitted that the deceased had been working as a waiter and had been earning ₹12,000/- per month. It is further submitted that deduction made on account of personal expenses is also on the higher side. Incorrect multiplier has been applied. Less compensation has been awarded under the conventional heads. It is accordingly prayed that the present appeal be allowed and the compensation payable to the appellants be enhanced.

4. No other argument is raised on behalf of ld. counsel for the appellants.

5. 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.

6. A perusal of the record reveals that it was the pleaded case of the appellants that prior to the accident, the deceased was working as a waiter and earning ₹12,000/- per month. However, no evidence whatsoever has been led by the appellants in this behalf. No documentary evidence has been adduced by the appellants to show the alleged income of the deceased. Although the claimants had examined PW3 Varinder Singh, who had deposed that he was working as contractor with various Tent Houses and that he provided waiters for work in the said Tent Houses, however, the evidence of PW-3 was rejected by the learned Tribunal as no documentary evidence was adduced by the claimants or PW3 to substantiate their oral and bald statements. Accordingly, the learned Tribunal had assessed income of the deceased as an unskilled worker as ₹8077.71 (rounded off to ₹8100) per month on the basis of the relevant Minimum Wage Notification. I find no error in the same.

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7. Further, age of deceased was determined to be 17 years and 6 months at the time of accident on the basis of his Matriculation Certificate Ex.P8, wherein date of birth of the deceased was reflected to be 22.05.2001. Accordingly, Tribunal had correctly made an addition of 40% towards future prospects; and correctly applied multiplier of 18.

8. As deceased was a Bachelor, Tribunal had correctly made a deduction of 50% towards personal expenses. Further under the conventional heads, Tribunal had awarded an amount of ₹15,000/- towards loss of estate; ₹15,000/- towards funeral expenses; and ₹40,000/-(each) to both the claimants towards loss of consortium; thereby awarding total compensation of ₹13,34,720, as follows: -

Sr. No.	Heads	Calculation (in Rs.)
1.	Income	Rs.8100/-
2.	40% of (i) above to be added as future prospects	Rs.8,100+3,240 = Rs.11,340/- per month
3.	½ of (ii) deducted as personal expenses of deceased	Rs.11,340-5,670/- = Rs.5670/-
4.	Compensation after multiplier of 18 is applied	Rs.5,670x12x18 = Rs.12,24,720/-
5.	Loss of Consortium	Rs.40,000/- x 2 = 80,000/-
6.	Loss of estate	Rs.15,000/-
7.	Loss of expenses	Rs.15,000/-
8.	Total	Rs.13,34,720/-

9. From the above facts, it is clear that a just and fair compensation in accordance with the law laid down by the Hon'ble Apex Court has been awarded to the appellants. Nothing whatsoever has been shown to this Court that would merit enhancement of the compensation. 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



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Supreme Court in “*State of Haryana Vs. Jasbir Kaur*” Law Finder Doc ID # 64043 and “*Divisional Controller K.S.R.T.C. Vs. Mahadeva Shetty and another*” (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.

10. Accordingly, the present Appeal stands **dismissed**.
11. Pending application(s), if any, also stand(s) disposed of.

April 20, 2026
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(NIDHI GUPTA)
JUDGE

Whether speaking/non-speaking : Speaking
Whether reportable : Yes/No