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

**233**

**FAO-3906-2003 (O&M)**
**Date of Decision: 05.08.2026**

Surinder Kaur .....Appellant

Versus

Nar Singh and others .....Respondents

**CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

**Present**: Mr. K.S.Boparai, Advocate and
Ms. Palak Arora, Advocate for the appellant.

None for respondent No.1.

Mr. Sandeep Kotla, Advocate for respondent No.2.

Ms. Alisha Arora, Advocate for respondent No.3.

****

**YASHVIR SINGH RATHOR, J.(Oral)**

1. This appeal has been instituted by claimant for enhancement of compensation against the Award dated 18.04.2003 passed by the MACT, Sangrur (for short "Tribunal") in MACT case No.20 of 06.01.2001 in a petition under Section 166 of Motor Vehicles Act, 1988 (for short 'Act') vide which a sum of Rs.6,62,257/- has been awarded as compensation to the claimant along with interest at the rate of 9% per annum from the date of filing of claim petition till realization on account of death of her son Satinder Pal Singh @ Satveer Singh in a motor vehicle accident.

2. From the pleadings of parties, following issues were framed:-

*"1. Whether Satinder Pal Singh died in accident caused by respondent No.1 while driving bus No.UP-53K-2369 rashly and negligently ? OPP.*

RAJEEV PUROHIT
2026.08.06 16:40
I am approving this
document

*2. Whether claimants are entitled for compensation if so, at what amount and from whom? OPP.*

*3. If issue No.2 is proved, whether claimants are entitled for interest on the compensation? OPP.*

*4. Relief."*

3. Thereafter, the parties led evidence in support of their case.

4. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.6,62,257/- as compensation to the claimant alongwith interest @ 9 % per annum from the date of filing of claim petition till realization.

5. Feeling aggrieved, the appeal in hand has been preferred. The material on file has been perused and parties have been heard.

6. It is pertinent to mention that the record of the present appeal and the Tribunal has got burnt in a fire incident in the High Court Registry and the present appeal has to be decided on the basis of the facts and evidence discussed by the Tribunal in the impugned Award.

7. The only issue required to be determined in the present appeal relates to the assessment of compensation. Therefore, the entire facts regarding the manner of the accident are not required to be reproduced in detail, as the Tribunal has already held under Issue No.1 that the accident had occurred due to the rash and negligent driving on the part of respondent No.1 while driving the offending bus bearing No.UP-53-K-2369, owned by respondent No.2. No appeal or cross-objections have been filed by respondents, challenging the said finding and accordingly finding on issue No.1 is not required to be interfered with.

8. Learned counsel for the appellant argued that the impugned award vide which compensation of Rs.6,62,257/- has been awarded is based on conjectures and surmises and is liable to be modified and enhanced

RAJEEV PUROHIT
2026.08.06 16:40
I am approving this document

amount of compensation should be awarded. Learned counsel contended that income of the deceased has been assessed on lower side. Future prospects have also not been added to the monthly income of the deceased contrary to settled provisions of law. The compensation awarded towards loss of consortium, loss of estate and funeral expenses is also on the lower side and he prayed that same be suitably enhanced. In support of his contentions, learned counsel for the appellant has relied upon 2009(6) SCC 121 **Sarla Verma and others Vs. Delhi Transport Corporation and Another**, 2017 (16) SCC 680 **National Insurance Co. Ltd Vs. Pranay Sethi and Other**, 2018 (4) R.C.R. (Civil) 333 **Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & Others**, (2021) 11 SCC 780 **United India Insurance Co. Ltd. Vs. Satinder Kaur.**

9. On the other hand, learned counsel for respondent No.2 and 3 argued that the award in question is well reasoned and justified. The material on file has been appreciated in the correct perspective while assessing the compensation and no interference in the same is thus called for.

10. The term `just compensation' has been elaborated by Hon'ble Supreme Court in **2009(1) RCR (Civil) 867 (SC), Syed Basheer Ahamed and Others Vs. Mohd. Jameel and Another**, and it has been held that while assessing compensation in a motor accident claims case, the Tribunal should award compensation which appears to be just. The expression "which appears to be just" vests a wide discretion in the Tribunal in the matter of determination of compensation. Nevertheless, the wide amplitude of such power does not empower the Tribunal to determine the compensation arbitrarily, or to ignore settled principles relating to determination of compensation. It has been further held that although the Act is a beneficial legislation, it can neither be allowed to be used as a source of profit, nor as a

RAJEEV PUROHIT
2026.08.06 16:40
I am approving this
document

windfall to the persons affected nor should it be punitive to the persons liable to pay compensation and that determination of compensation must be based on certain data establishing reasonable nexus between the loss incurred by the victim or dependents. It has been further held that misplaced sympathy, generosity and benevolence cannot be the guiding factors for determining the compensation. As such, compensation is required to be assessed by taking into consideration above-said parameters.

11. Stand of claimant is that the deceased-Satinder Pal Singh @ Satveer Singh was her son, who was 24 years of age and was a First Year Law student at Lucknow. However, the learned Tribunal came to the conclusion that the claimant has not led any evidence to establish that deceased was a student of LLB First Year as no such certificates have been led in evidence to prove this fact and his income was assessed as Rs.2100/- per month as per prevalent minimum wages. Learned Tribunal has also held that the deceased was 26 years of age as per Postmortem report (Exhibit A-50) and his age was accordingly taken as 26 years. After deducting 1/3rd amount towards expenses, the total compensation was assessed as Rs.2,10,000/- including funeral expenses and after adding expenses incurred on treatment, total compensation of Rs.6,62,257/- was awarded, which in my opinion is meagre and grossly inadequate. The accident had taken place in the year 2000 and some amount of guess work has to be applied while assessing the monthly income of deceased. Hon'ble Supreme Court in (2022) 1 SCC 198, ***Chandra alias Chander alias Chanda Ram and another Vs. Mukesh Kumar Yadav***, has held that merely because claimants are unable to produce documentary evidence to show the monthly income of the deceased is not a ground to discard the oral evidence and in such cases, the Court is required to ensure just compensation based on preponderance of

RAJEEV PUROHIT
2026.08.06 16:40
I am approving this
document

probabilities. Minimum wage notification may serve as a yardstick but cannot be the sole basis for assessing the income. Moreover, it is also well settled that where the victim/deceased belongs to unorganized sector, strict proof of income is not mandatory and notional income can be reasonably assessed based on the social status and facts and circumstances of the case. As such, some amount of guess work has to be applied while assessing the income. In the present case, the deceased was a student and 26 years of age and it can be assumed that he must have been earning at least to be Rs.3500/- per month and accordingly, income of deceased is taken as **Rs.3500/-** per month.

12. Deceased was 26 years of age and as such, 40% amount has to be added to the monthly income of the deceased towards future prospects in view of law laid down in **Pranay Sethi's case (supra),** which takes his income to **Rs.4900/- (Rs.3500/- + Rs.1400/-).**

13. Deceased was a bachelor and accordingly, 50% of the earnings have to be deducted towards his personal and living expenses in view of guidelines laid down in ***Sarla Verma's case*** *(supra)* and after deducting 50% of the earnings towards the personal expenses, the monthly dependency comes out to **Rs.2450/-** and annual dependency comes out to **Rs.29,400/-** (Rs.2450 x 12) to which multiplier of 17 has to be applied in view of the guidelines laid down in **Sarla Verma's case (supra)**, and after applying the same, the total loss of dependency comes out to **Rs.4,99,800/-.**

14. In addition to this, **claimant (mother of the deceased)** is held entitled to a sum of **Rs.70,000/-** under conventional heads i.e. **Rs.40,000/-** towards loss of consortium, **Rs.15,000/-** towards loss of estate and **Rs.15,000/-** on account of funeral expenses, as per law laid down in **Pranay Sethi's case (supra)**, which takes the compensation to **Rs.5,69,800/-**

RAJEEV PUROHIT
2026.08.06 16:40
I am approving this
document

**(Rs.4,99,800+Rs.70,000).**

15. Learned Tribunal has also awarded a sum of Rs.4,52,257/- towards expenses incurred on treatment as per bills produced by the claimant and after adding the same, the total compensation payable to claimant comes out to be **Rs.10,22,057/-**.

16. Accordingly, the compensation to be awarded to the claimants is assessed as under:-

| **S.No.** | **Under Head** | |
|---|---|---|
| 1. | Monthly income of deceased | Rs.3500/- per month |
| 2. | Age of deceased | 26 years |
| 3. | Future prospects @ 40% | Rs.1400/- |
| 4. | Total income | Rs.4900/- |
| 5. | Number of dependent | 1 |
| 6. | Dependency after deduction of personal expenses (50%) | Rs.2450/- |
| 7. | Monthly loss of dependency | Rs.2450/- |
| 8. | Annual loss of dependency | Rs.29400/- **(**Rs.2450/- × 12) |
| 9. | Multiplier | 17 |
| 10. | Loss of dependency | Rs.4,99,800/- (Rs.29400/- × 17) |
| 11. | Compensation under conventional heads to claimant - mother | **Rs.70,000/-** |
| 12. | Medical expenses | **Rs.4,52,257** |
| 13. | Total Compensation | **Rs.10,22,057/-** |
| 14. | Interest | 9% |

17. Resultantly, the appeal in hand is partly accepted with costs and claimants are held entitled to a sum of Rs.10,22,057/- as compensation. The enhanced compensation thus comes out to Rs.3,59,800/- (Rs.10,22,057/- - Rs.6,62,257/-) (rounded off to Rs.3,60,000/-) over and above the compensation awarded by the Tribunal along with interest at the rate of 9% per annum from the date of filing of claim petition i.e. 06.01.2001 till realization payable by respondents No. 1 and 2 jointly and severally but

RAJEEV PUROHIT
2026.08.06 16:40
I am approving this
document

primary responsibility shall be of respondent No.2/owner of offending vehicle and employer of respondent No.1.

18. Pending miscellaneous application(s), if any, shall also stand disposed of.

**05.08.2026** **(YASHVIR SINGH RATHOR)**
Rajeev (rvs) **JUDGE**

Whether speaking/reasoned Yes

Whether reportable Yes

RAJEEV PUROHIT
2026.08.06 16:40
I am approving this
document