

**HIGH COURT OF JAMMU & KASHMIR AND LADAKH
AT JAMMU**

**MA No. 648/2010 c/w
MA No. 649/2010
CCROS No. 30/2011
CCROS No. 31/2011**

Date of Pronouncement: 30.01.2026
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Union of India

...Applicant(s)/Petitioner(s)

Through :- Mr. Vishal Sharma, Sr. Advocate (DSGI) with
Mr. Sumant Sudan, Advocate

v/s

Bimla Devi and others

...Respondent(s)

Through:- Mr. Arjun Bhatia, Advocate

CORAM: HON'BLE MR. JUSTICE SANJEEV KUMAR, JUDGE

ORDER(ORAL)

**MA No. 648/2010
CCROS No. 31/2011**

1. MA No. 648/2010 and CCROS No. 31/2011 arise out of an award dated 31.03.2010 passed by the Motor Accident Claims Tribunal, Jammu ["the Tribunal"] in file No. 508/Claim titled "*Bimla Devi and others vs. Harinder Parsad Sepoy and others*"
2. In the appeal filed by the Union of India, challenge to the impugned award is thrown on the ground that the Tribunal has not appreciated the evidence on record in true perspective and has erroneously decided the issues against the appellant.
3. In the cross objections filed by the claimants, challenge is thrown to the impugned award on the ground that the Tribunal has not applied the

applicable multiplier and has, thus, awarded the compensation less than what was due to them.

4. Having heard learned counsel for the parties and perused the material on record, I find no merit in the appeal filed by the Union of India. There is ample evidence brought on record by the claimants to prove that the accident that occurred on 10.07.2008 in which Mahtab Singh, the husband of the claimant-Bimla Devi, died, had happened due to rash and negligent driving of the offending vehicle.
5. The deceased Mahtab Singh was an employee of the appellant and, therefore, there is no dispute with regard to the income he was receiving by way of salary from the appellant only.
6. I have gone through the entire award carefully. The Tribunal has computed the compensation strictly, as per the principles laid down in the case of *“Sarla Verma and Ors. Vs. Delhi Transport Corporation and another”* (2009) 6 SCC 121, except that, an error has been committed by the Tribunal while applying the multiplier. In the instant case, the deceased Mahtab Singh was of 45 years old at the time of his death in the motor vehicle accident and, therefore, the correct multiplier to be applied was 14 and not 13, as has been applied by the Tribunal. Except the aforesaid error, the award passed by the Tribunal does not suffer from any legal or factual infirmity.
7. Accordingly, the appeal filed by the Union of India is ***dismissed***, whereas, the cross objections filed by the claimants to the extent aforesaid are allowed and the compensation is computed accordingly. The total compensation payable to cross-objector/claimant would be Rs. 2,62,536 x 14 = 36,75,504/-. The amount awarded on the other heads shall, however, remain unchanged.

(a) For loss of dependency : Rs. 36,75,504/-

(b) For funeral expenses: Rs. 15,000/-

(c) For consortium to widow: Rs. 15,000/-

Total : Rs. 37,05,504/-

8. The respondents/claimants shall be entitled to payment of total compensation of Rs. 37,05,504/- along with interest @ 7.5 per cent, as has been awarded by the Tribunal.
9. The award of the Tribunal is modified to the aforesaid extent other terms of the award impugned shall remain intact.

MA No. 649/2010
CCROS No. 30/2011

1. MA No. 649/2010 and CCROS No. 30/2011 arise out of an award dated 31.03.2010 passed by the Motor Accident Claims Tribunal, Jammu [“the Tribunal”] in file No. 507/Claim titled ***“Kalpana Singh and others vs. Harinder Parsad Sepoy and others”***
2. In the appeal filed by the Union of India, challenge to the impugned award is thrown on the ground that the Tribunal has not appreciated the evidence on record in true perspective and has erroneously decided the issues against the appellant
3. In the cross objections filed by the claimants, challenge is thrown to the impugned award on the ground that the Tribunal has not applied the applicable multiplier and has, thus, awarded the compensation less than what was due to the claimants.
4. Having heard learned counsel for the parties and perused the material on record. I find no merit in the appeal filed by the Union of India.

5. There is ample evidence brought on record by the claimants to prove that the accident that occurred on 10.07.2008 in which Shashi Bhushan, the husband of the claimant-Kalpana Singh, died, had happened due to rash and negligent driving of the offending vehicle.
6. The deceased Shashi Bhushan was an employee of the appellant and, therefore, there is no dispute with regard to the income he was receiving by way of salary from the appellant only.
7. I have gone through the entire award carefully. The Tribunal has computed the compensation strictly as per the principles laid down in the case of *“Sarla Verma and Ors. Vs. Delhi Transport Corporation and another”* (2009) 6 SCC 121, except that an error has been committed by the Tribunal while applying the multiplier. In the instant case the deceased Shashi Bhushan was of 23 years old at the time of his death in the motor vehicle accident and, therefore, the correct multiplier to be applied was 18 and not 15, as has been applied by the Tribunal. Except the aforesaid error, the award passed by the Tribunal does not suffer from any legal or factual infirmity.
8. Accordingly, the appeal filed by the Union of India is **dismissed**, whereas, the cross objections filed by the claimants to the extent aforesaid are allowed and the compensation is computed accordingly. The total compensation payable to cross-objector/the claimant would be Rs. 1,53,972 x 18 = 27,71,496/-. The amount awarded on the other heads shall, however, remain unchanged.

(a) For loss of dependency : Rs. 27,71,496/-

(b) For funeral expenses : Rs. 15,000/-

(c) For consortium to widow: Rs. 15,000/-

Total : Rs. 28,01,496/-

9. The respondents-claimants shall be entitled to payment of total compensation of Rs. 2,80,1496/- alongwith interest @ 7.5 per cent, as has been awarded by the Tribunal.
10. The award of the Tribunal is modified to the aforesaid extent other terms of the award impugned shall remain intact.

(Sanjeev Kumar)
Judge

JAMMU
30.01.2026
Rahul Sharma

Whether the order is speaking: Yes/No

Whether the order is reportable: Yes/No

