



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.2007 of 2020
Date of decision : 25.09.2024

Reena and others
Versus
....Appellants

Dharambir and others
....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Sandeep K. Tada, Advocate
for the appellants.

Mr. Satpal Dhamija, Advocate
for respondent No.3.

PANKAJ JAIN, J. (ORAL)

Claimants are in appeal seeking modification of the award passed by the MACT, Sonipat dated 9th of October, 2019.

2. Claim petition was filed by the claimants seeking compensation on account of the death of Deepak in a motor-vehicular accident. As per the claimants Deepak died in motor-vehicular accident on 2nd of March, 2018 caused due to rash and negligent driving of respondent No.1. Deepak was 34 years of age and was working as Constable in Haryana Police and was drawing salary of Rs.40,000/- per month.

3. Returning finding on issue w.r.t. rash and negligent driving of respondent No.1 being cause of the accident in favour of the claimants, Tribunal held the claimants entitled for compensation. Monthly income of



the deceased was taken as Rs.32,145/- per month. He was granted 50% future prospects in terms of ratio of law laid down by the Apex Court in the case of '**National Insurance Company Limited vs. Pranay Sethi and others**', (2017) 16 SCC 680. 1/4th was deducted. Multiplier of 16 was applied as per law laid down by the Apex Court in '**Smt. Sarla Verma & others vs. Delhi Transport Corporation & another**' (2009) 6 SCC 121 and the total compensation was calculated as Rs.69,44,400/-. In view of ratio of law laid down by Supreme Court in the case of **Reliance General Insurance Company Limited vs. Shashi Sharma and others, Civil Appeal No.9654 of 2016 (arising out of SLP (Civil) No.14312/2013 decided on 23.09.2016**, the assistance to be paid by State of Haryana as the per provisions contained under Haryana Compassionate Assistance to the dependants of the deceased Government Employees Rules, 2006, the amount of Rs.48,96,900/- payable to the deceased by the State was deducted out of the total compensation and the loss of the claimants was assessed to be Rs.20,47,500/-.

4. Counsel for the parties do not dispute that the award needs to be modified to the extent that claimants are entitled for enhanced amount of Rs.16,500/- instead of Rs.15,000/- on account of loss of estate. Likewise, transportation and funeral expenses granted @ Rs.15,000/- also need to be enhanced to Rs.16,500/-. Towards consortium all the five claimants will be entitled for an amount of Rs.48,000/- each whereas the Tribunal has granted an amount of Rs.40,000/- only.



- 5. In view of above, the claimants are held entitled to amount of Rs.20,47,500/- + Rs.1,92,000/- + Rs.16,500/- + Rs.16,500/-.
- 6. Award is ordered to be modified accordingly.
- 7. Disbursal as well as rate of interest shall abide by Para 40 of the Award.
- 8. Instant appeal is disposed off accordingly.

September 25, 2024		(Pankaj Jain)
Dpr		Judge
Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No