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

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Date of decision:20.05.2024

CHAMAN LAL & ORS.

...APPELLANTS

VS.

JAI DEV & ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. S.S. Dinarpur, Advocate
for the appellants.

Mr. R.C. Kapoor, Advocate
for respondent No.4.

SUVIR SEHGAL J.

1. This appeal has been filed under the Motor Vehicles Act by the legal heirs of Bhanu, seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal (for short “the Tribunal”), Yamunanagar at Jagadhari, vide award dated 03.09.1991.

2. Factual matrix leading to the filing of the appeal is that Bhanu, who was working as a cleaner, was travelling in a truck bearing No.HRA-5407, which met with an accident on 13.06.1989 with another truck bearing No.URM-8206 being driven by Dharam Singh – respondent No.2. Abdul Gufar, driver, and Bhanu sustained injuries and



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unfortunately expired. Their truck was also badly damaged. Three claim petitions were filed by the Tribunal. The first petition bearing No.16 of 05.09.1989 titled ***Harbans Singh Versus Jai Dev and others***, was filed by the owner of truck No.HRA-5407 claiming damages of the truck. The second petition bearing No.17 of 07.10.1989 titled ***Begum Rehmat Versus Jai Dev and others***, was filed by the heirs of Abdul Gufar, driver and the third petition bearing No.16-A of 07.10.1989, titled as ***Chaman Lal and others Vs. Jai Dev and others***, out of which, the present appeal arises, filed by the heirs of Bhanu. After contest, all the three petitions were disposed of by the Tribunal by a common award. The appellants were awarded compensation of Rs.54,000/- alongwith interest @ 12% p.a. from the date of filing of the claim petition till its realization.

3. I have heard counsel for the parties and considered their respective submissions as well as examined the available record with their able assistance.

4. While adjudicating issue No.1, Tribunal returned the finding that the collision took place due to rash and negligent driving of Dharam Singh – respondent No.2, who was driving vehicle bearing No.HRA-5407.

5. Claimants led evidence of Chaman Lal (PW-2), father of Bhanu, to the effect that the deceased, who was unmarried and 22 years of age, was earning Rs.700-800/- per month as the cleaner besides getting Rs.15/- per day for meal. Deceased left behind his parents and two unmarried sisters. Tribunal returned the finding that the dependency

of the claimants was Rs.300/- per month. However, this finding deserves to be modified. Supreme Court in National Insurance Company Limited Versus Pranay Sethi and others (2017) 16 SCC 680 and Magma General Insurance Company Limited Versus Nanu Ram @ Chuhru Ram and others 2018 (4) R.C.R. (Civil) 333 has held that the self dependency of a bachelor – deceased, who has a mother and younger non-earning siblings, has to be restricted to 1/3rd. His contribution to the family will have to be taken as 2/3rd and he is also entitled to grant of 40% increase on account of future prospects. Tribunal has applied a multiplier of 15, which deserves to be increased to 18, in view of the judgment of the Supreme Court in Smt. Sarla Verma and others Versus Delhi Transport Corporation and another (2009) 6 SCC 121. The claimants are also entitled to loss of consortium besides funeral expenses and loss of estate. The compensation deserves to be increased accordingly.

6. The total compensation to which the claimants/appellants are entitled is calculated as under:-

Sr. No.	Head	Compensation awarded
1.	Income (inclusive of Rs.15/- per day for meal)	Rs.1250/-
2.	Future Prospects	Rs.500/- (40% of income)
3.	Deduction towards personal expenditure	Rs.583.33/- (1/3 rd of Rs.1250+Rs.500)
4.	Total income	Rs.1166.67/- (2/3 rd of Rs.1250+Rs.500/-)
5.	Multiplier	18 (22 years old)

6.	Annual dependency	Rs.2,52,000/- (Rs.1166.67 X 12 X 18) Rs.2,52,000/- (rounded off.)
7.	Funeral expenses	Rs.18000/-
8.	Loss of estate	Rs.18000/-
9.	Loss of Consortium	Rs.1,76,000/- (44,000 X 4)
10.	Total compensation awarded	Rs.4,64,000/- (annual dependency + funeral expenses + loss of estate + loss of consortium)
11.	Less MACT Award	Rs.54,000/-
12.	Enhancement	Rs.4,10,000/-

7. The enhanced amount will earn interest @ 6% p.a. from the date of this judgment till payment. Impugned award is modified accordingly.
8. Appeal is disposed of.
9. Pending application(s), if any, are disposed of.

20.05.2024

(SUVIR SEHGAL)
JUDGE

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Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No