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

**FAO-1545-2005**

**DECIDED ON: 11.12.2024**

**ARCHANA SHARMA AND OTHERS**

**.....APPELLANTS**

**VERSUS**

**STATE OF HARYANA AND OTHERS**

**.....RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH.**

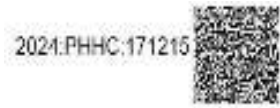
Present: Mr. Ashwani Talwar, Advocate,  
for the appellants.

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

**SANJAY VASHISTH, J (ORAL)**

1. Present Appeal has been filed by the appellants/claimants (hereinafter 'claimants') for enhancement of the amount of compensation by modifying the award dated 14.09.2004, passed by learned Motor Accident Claims Tribunal, Ambala, (for short, 'learned Tribunal'), whereby in claim petition bearing MACT No.70 of 2004, compensation amount to the tune of Rs.7,68,000/- was ordered to be paid to the appellants, on account of death of 'Ravi Kumar'. Claimants, who filed claim petition u/s 166 of the Motor Vehicle Act, 1988 (in short, 'MV Act') are widow and two children of the deceased.

2. The factual aspect explained in the claim petition is that on 17.06.2001 when deceased Ravi Kumar was going from Baldev Nagar, Ambala City to Ambala Cantt. while driving his



No.HR-01-E-0548, a Haryana Roadways Bus of Chandigarh Depot, bearing registration no HR-37-1256, driven by Sukhbir Singh (respondent no.3) in a rash and negligent manner came from opposite side, hit against the car of Ravi Kumar (deceased), due to which deceased sustained multiple and grievous injuries, which resulted into his death. As a consequence of which, FIR was also registered (Ex.P1).

3. After going through the record, appreciating the evidence, examining the witnesses and hearing the arguments of both the sides, learned Tribunal assessed the income of deceased, as Rs.6,000/- per month and deducted 1/3<sup>rd</sup> of income of the deceased on account of his personal expenses and applied the multiplier of ‘16’. Nothing has been awarded towards Consortium, Funeral Expenses, Loss of estate etc. Accordingly, the claimants were awarded total compensation to the tune of Rs.7,68,000/- in proportion as mentioned herein below:

|       |                 |                |
|-------|-----------------|----------------|
| (i)   | Archna Sharma   | Rs.76,800/-    |
| (ii)  | Santosh Rambani | Rs. 76,800/-   |
| (iii) | Krishna Gopal   | Rs.76,800/-    |
| (iv)  | Kimisha         | Rs. 2,30,400/- |
| (v)   | Feanshu         | Rs. 3,07,200/- |

Compensation amount was ordered to be paid to the claimants by respondents jointly and severally with interest @ 9% per annum, from the date of filing of the petition till its realization.

4. This Court is of the view that the Ld. Tribunal has correctly assessed the monthly income of the deceased as Rs.6,000/-. Thus monthly income of the deceased is taken as Rs. 6,000/-. Further, from the



evidence on record, it stands established that the deceased was aged about 37 years and as per **National Insurance Company Limited v. Pranay Sethi and Others 2017 (4) RCR (Civil) 1009:Law finder Doc ID #918174**, addition of 40%, on the account of 'future prospects' has to be made and total per month earnings comes out to be Rs.6,000/- + Rs.2,400/- (40% of Rs.2,400/-)=Rs.8,400/-. Taking into consideration, the number of dependents i.e. widow, two children and parents 1/4th would require to be deducted on account of 'personal expenses', which is to the extent of Rs.2,100/- and the residue amount works out to be Rs.6,300/- per month and annually which comes out to be Rs.75,600/-.Considering the age of the deceased as 37 years, as per **Smt. Sarla Verma and Ors. v. Delhi Transport Corporation and Anr., (2009) 6 SCC 121**, the multiplier of '15' is applied and after, so applying this multiplier, the loss of dependency comes to be Rs.75,600/-x 15 = Rs.11,34,000/-.

5. Rest of the parameters are assessed and calculated in accordance with the judgment of this Court titled as **Sangtari Muleem v. Karnail Singh, 2023 (4) RCR (CIVIL) 5: Law FinderDoc Id # 2270482**, which is in consonance with the settled proposition of law laid down by the Apex Court in **Pranay Sethi's case (supra)**, and **Smt. Sarla Verma's case (supra)** and **Smt. Anjali and others v. Lokendra Rathod and Others, 2023 (1) R.C.R. (Civil) 229 : LawFinder Doc Id #2081014**.

Claimants are entitled for Rs.25,000/- as compensation under the head of funeral expenses and Rs.20,000/- towards loss of

estate. Loss of consortium is to be awarded to the tune of Rs.48,400/- each, to the all the claimants in the instant appeal.

6. For the sake of convenience, amount of compensation assessed and calculated by this Court is produced below in a tabular form:-

| SR. NO. | HEADS                               | COMPENSATION AWARDED BY HIGH COURT |
|---------|-------------------------------------|------------------------------------|
| 1.      | Income                              | Rs.6,000/- per month               |
| 2.      | Future Prospects                    | 40%                                |
| 3.      | Deduction towards personal expenses | 1/4                                |
| 4.      | Total Annual Income                 | Rs.75,600 /-                       |
| 5.      | Multiplier                          | 15                                 |
| 6.      | Loss of Dependency                  | Rs.11,34,000/-                     |
| 7.      | Funeral Expenses                    | Rs.25,000/-                        |
| 8.      | Loss of Estate                      | Rs.20,000/-                        |
| 9.      | Loss of Spousal Consortium          | Rs.48,400/-                        |
| 10.     | Loss of Parental Consortium         | Rs.96,800/-(48,400x2)              |
| 11.     | Loss of Filial Consortium           | Rs.96,800/-(48,400x2)              |
| 12.     | Total Compensation to be paid       | <b>Rs.14,21,000/-</b>              |

Thus, keeping in view the aims and objects of the beneficial legislation of providing relief to the victims or their families, the total compensation payable to the appellants/claimants is enhanced to **Rs.14,21,000/- (Rupees Fourteen Lacs and Twenty One Thousand only).**

**DISTRIBUTION OF COMPENSATION AMOUNT:** Single mother/widow of deceased bears the most profound emotional and

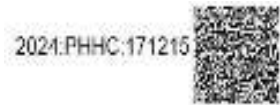


economic burden after losing a loved one. After losing the company of partner in life, widow might have struggled alone very hard for upbringing their children. Therefore, acknowledging her significant role and impact of loss, major part of compensation i.e 40% would be paid to widow of deceased, 20% to each children and 10% to each of the parents (respondents no.5 & 6). In case parents of the deceased are not alive, then 50% of the total awarded compensation would be paid to Archana Sharma/Claimant no.1 and 25% each to both of the children/claimants no.2&3.

7. The awarded compensation shall be paid to the appellants/claimants within a period of three months from the date of this order, along with interest at 7.5% per annum from the date of filing of claim petition till the date of payment of compensation to the Claimants and Respondents no. 1 & 2 by the respondents no. 1 to 4 jointly and severally.

8. It is further clarified that in case compensation amount is not paid within above mentioned stipulated period, rate of interest would be 9% per annum from the date of filing of claim petition till its actual realization.

9. And, in case any further delay is caused beyond six months from today, compensation amount payable as on date would be paid to the claimants along with applicable rate of interest @12% p.a. from the date of filing claim application till its realization.



10.           Needless to mention that out of the total payable compensation amount, already paid amount (if any) in compliance to impugned award would be adjusted.
11.           Therefore, **by partly modifying the award, appeal is allowed with the terms indicated here-above.**

**11.12.2024**  
*Lavisha*

*Whether speaking/reasoned*      *Yes/No*  
*Whether reportable*                *Yes/No*

**(SANJAY VASHISTH)**  
**JUDGE**