



***FAO-1493-2020 (O&M);
FAO-2213-2020 (O&M) and
FAO-2354-2021(O&M)***

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

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FAO-1493-2020 (O&M)

Date of decision: 05.03.2025

Smt. Babita and others

... Appellants

Vs.

HRTC through its Transport Manager and others

... Respondents

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FAO-2213-2020 (O&M)

Chandra Devi and another

... Appellants

Vs.

HRTC through its Transport Manager and others

... Respondents

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FAO-2354-2021 (O&M)

Smt. Choti Devi and another

... Appellants

Vs.

HRTC through its Transport Manager and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ashwani Arora, Advocate with
Mr. Vipul Sharma, Advocate for the appellants.



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Mr. Ravinder Arora, Advocate and
Mr. Neeraj Khanna, Advocate
for respondents No. 1 and 2.

SUVIR SEHGAL J.

1. This order shall dispose of the above-noted three appeals filed under Section 173 of the Motor Vehicles Act, 1988 (for brevity "MV Act") by the claimants against a common award passed by the Motor Accident Claims Tribunal, Chandigarh, (for short "the Tribunal).
2. For the sake of convenience, factual position is being taken from FAO-2213-2020 titled as "Chandra Devi and Another Vs. HRTC and Ors".
3. Instant appeal has been filed under the Motor Vehicles Act, 1988 (for brevity "MV Act") by the legal representatives of Kuldeep Singh - deceased. Appellants have sought enhancement of compensation granted by the Motor Accident Claims Tribunal (for short "the Tribunal"), Chandigarh vide award dated 16.11.2019.
4. Facts leading to the filing of the appeal, are that on 02.01.2019, Kuldeep Singh along with Sandeep Kumar and Arvind Singh was standing at bus stop, Zirakpur. In the meantime, Satye Singh and Pardeep joined them. A bus bearing Registration no. HP-31A-8655 being rashly driven by respondent no. 3- Rakesh Kumar, hit Kuldeep Singh, Sandeep Kumar and Arvind Singh and then collided with a motorcycle. Sandeep Kumar and Kuldeep Singh died on the spot. Arvind Singh succumbed to the injuries at GMHC-32, Chandigarh. An FIR No.001 dated 02.01.2019



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was lodged under sections 279, 337, 304-A and 427 of IPC at Police Station Zirakpur. Claimants filed a petition under the MV Act, for grant of compensation on account of the death of Kuldeep Singh, which has been partly accepted vide award impugned herein and they were granted a compensation of Rs. 23,08,886/-. The owner and the driver were jointly and severally held liable to pay the amount along with interest @ 9% per annum from the date of filing of the claim petition as the offending vehicle was not insured.

5. I have heard counsel for the parties and have considered their respective submissions.

6. On the basis of the evidence adduced, the Tribunal has come to the conclusion that the accident took place on account of rash and negligent driving by respondent No.3 and Kuldeep Singh died in the motor vehicle accident.

7. In FAO-2213-2020, compensation was assessed by assuming the monthly income of the deceased as Rs.15,072/-, as the deceased was an employee of a private company, while relying on judgment of the Supreme Court in ***Joseph Philip C.J. and Anr. v/s Judies and Ors. (2018)11 SCC 638***. Claimants have examined Abhishek Jain, PW5, Store HR, Zara, who has produced salary slips Ex.P-44 to Ex.P-55 and deposed that the deceased was earning Rs.22,608/- per month. Tribunal has erred in reducing the salary by 1/3rd without assigning any reason. Tribunal has applied a multiplier of 18, as age of the deceased as 23 years at the time of accident. This does not require any modification as per the



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settled legal position settled in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, (2009) 6 SCC 121.** Deceased was a bachelor. Therefore, Tribunal has deducted 1/2 of the income towards personal and living expenses of the deceased, and awarded future prospects at 40% which does not require any alteration.

8. In FAO-1493-2020, compensation has been wrongly assessed by assuming the income of the deceased, Sandeep Kumar, as Rs.15,072/- monthly, as the deceased was an employee of a private company. Claimants have led evidence that deceased was working as Team Leader with Flipkart. Gulshan Kumar Sharma, PW-6, HR Manager Instakart Services has produced salary slips Ex.P-59 and P-60 and has deposed that the annual cost to the company was Rs.3.20 Lacs. There is no justification in not accepting the income of the deceased as Rs.25,367/- per month. Multiplier of 17, as the deceased was 29 years at the time of accident, deduction of 1/3rd the income towards personal expenses of the deceased, and award of future prospects at 40% do not deserve to be interfered with.

9. In FAO-2354-2021, compensation was assessed by assuming the income of the deceased, Arvind Kumar, as Rs.7,666.67/- monthly. There is ocular and documentary evidence on the record to show that deceased was working as Team Manager and posted at Pizza Hut, Elante Mall, Chandigarh. Ankit Gupta, PW-4, Store Manager, Pizza Hut has produced the annual pay slip and attendance details, Ex.P-40 and P-41 of the deceased. It has been testified that deceased was drawing a



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monthly salary of Rs.11.500/-, which has to be accepted in the absence of any evidence to the contrary. Age of the deceased as 21 years at the time of accident, therefore, multiplier of 18 is appropriate. The Tribunal has deducted 1/2 of the income towards personal and living expenses of the deceased, who was a bachelor and awarded future prospects at 40% which do not deserve to be modified.

10. In the light of the guidelines laid down by the Supreme Court in *Smt. Sarla Verma's case (supra), National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680* and *Magma General Insurance Co. Ltd. Versus Nanu Ram alias Chuhru Ram and others, 2018 (18) SCC 130*, all the claimants are entitled to award under conventional heads, for consortium, etc. The court is of the view that head-wise computation of compensation deserves to be modified as below:-

Sr. No.	Heads	Compensation Awards in FAO-2213-2020	Compensation Awards in FAO-1493-2020	Compensation Awards in FAO-2354-2021
1	Monthly Income	Rs.22,608/-	Rs.25,367/-	Rs.11,500/-
2	Deduction towards personal expenditure	Rs.11,304/- (Rs.22,608/- x 1/2)	Rs.8,456/- (Rs.25,367/- x 1/3)	Rs.5,750/- (Rs.11,500/- x 1/2)
3	Future prospects	Rs.4,522/- (40% of Rs.11,304/-)	Rs.6,764/- (40% of Rs.16,911/-)	Rs.2,300/- (40% of Rs.5,750/-)



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4	Total Monthly Income	Rs.15,826/- (Rs.11,304/- + Rs.4,522/-)	Rs.23,675/- (Rs.6,764/- + Rs.16,911/-)	Rs.8,050/- (Rs.2,300/- + Rs.5,750/-)
5	Multiplier	18	17	18
6	Annual dependency	Rs.34,18,416/- (Rs.15,826/- x 12 x 18)	Rs.48,29,700/- (Rs.23,675/- x 12 x 17)	Rs.17,38,800/- (Rs.8,050/- x 12 x 17)
7	Loss of Estate	Rs.18,000/-	Rs.18,000/-	Rs.18,000/-
8	Funeral expenses	Rs.18,000/-	Rs.18,000/-	Rs.18,000/-
9	Loss of Consortium	Rs.96,000/- (Rs.48,000/- payable to each of the two dependants)	Rs.1,92,000/- (Rs.48,000/- payable to each of the four dependants)	Rs.96,000/- (Rs.48,000/- payable to each of the two dependants)
10	Total compensation	Rs.35,50,416/-	Rs.50,57,700/-	Rs.18,70,800/-
11	Less: Award by MACT	Rs.23,08,886/-	Rs.32,49,920/-	Rs.11,89,199/-
12	Enhancement	Rs.12,41,530/-	Rs.18,07,780/-	Rs.6,81,601/-

11. Accordingly, the appellants are held to an additional compensation of Rs.12,41,530/- in FAO-2213-2020, Rs.18,07,780/- in FAO-1493-2020 and Rs.6,81,601/- in FAO-2354-2021, which shall be payable by the respondents with interest at the rate of 7.5% per annum



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from the date of the filing of the claim petitions.

- 12. All the appeals are disposed off.
- 13. As the main appeal has been decided, pending application(s), if any, is/are disposed off.

05.03.2025
pooja saini

(SUVIR SEHGAL)
JUDGE

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