

**FAO-7152-2019 (O & M) &
FAO-1217-2021 (O & M)**

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

251-2 cases.

1.

**FAO-7152-2019 (O & M)
Date of decision:06.03.2025**

NATIONAL INSURANCE CO. LTD.

...APPELLANT

VS.

GEETA AND ORS

...RESPONDENTS

2.

FAO-1217-2021 (O & M)

GEETA AND ORS.

...APPELLANTS

VS.

HARI KRISHNA MAURYA & ORS .

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

**Present: Mr. Lalit Garg, Advocate
for the appellant in FAO-7152-2019 &
for respondent No.3 in FAO-1217-2021.**

**Mr. Abhimanyu Singh, Advocate
for the respondents in FAO-7152-2019 &
for the appellants in FAO-1217-2021.**



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SUVIR SEHGAL, J.

CM-25733-CII-2019 in FAO-7152-2019

1. For the reasons given in the application, it is allowed.
2. Delay of 43 days in filing of the appeal is condoned.

CM-9371-CII-2021 in FAO-1217-2021

3. For the reasons given in the application, it is allowed.
4. Delay of 160 days in filing of the appeal is condoned.

Main Cases

5. This order shall dispose off both the above-noted appeals filed under section 173 of the Motor Vehicles Act, 1988 (for brevity “MV Act”) as they arise out of a common award passed by the Motor Accident Claims Tribunal, Gurugram (for short “the Tribunal”) by the insurance company and the claimants. For the sake of convenience, factual position is being taken from FAO-1217-2021 titled as Geeta and others Vs. Hari Krishna Maurya and others.

6. This appeal has been filed by the claimants who are legal representatives of Rajesh Kumar, deceased, for enhancement of compensation granted by the Tribunal vide award dated 05.07.2019.

7. Facts, in brief, leading to the filing of the appeal are that on 13.05.2017, Rajesh Singh along with his brother, Vijay, were standing on the side of a road. A Tata Canter bearing registration no.HR-38-S-2439 which was being carelessly driven by Hari Krishna Maurya, respondent



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No.1, hit Rajesh Singh, who died on the spot due to injuries sustained by him. An FIR No.192 dated 13.05.2017 was lodged under Sections 279, 304-A IPC at Police Station Bilaspur. Appellants filed a claim petition under Section 166 of the MV Act claiming compensation on account of the death of Rajesh Singh, which has been partly accepted and they have been granted compensation of Rs.19,25,520/-. Driver, owner as well as the insurer of the offending vehicle have been jointly and severally held liable to pay the compensation, along with interest @ 12% per annum, from the date of filing of the claim petition.

8. I have heard counsel for the parties and have considered their respective submissions. Both the counsel have disputed the computation of compensation and have sought its revision.

9. 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 of offending vehicle by respondent No.1, which resulted in the death of Rajesh Singh. Tribunal found that respondent No.1 had valid driving license Ex.P3 and the offending vehicle was insured under insurance policy Ex.P6.

10. Compensation was correctly assessed by assuming the income and future prospects of the deceased, who was a driver and 40 years of age, as Rs.10,568/- per month. Tribunal has correctly applied a deduction of 1/3rd towards personal expenses from the monthly income, as the deceased had three dependents. Tribunal applied a multiplier of 15, keeping in view the age of the deceased, which does not require any increase. Tribunal has



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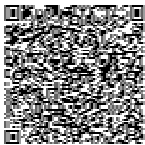
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awarded Rs.15,000/- each for loss of estate as well as funeral expenses and Rs.1,20,000/- on the account of loss of consortium to the claimants, which deserve to be enhanced.

11. In the light of the principles laid down by the Supreme Court in Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, (2009) 6 SCC 121, 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, claimants are entitled to increase in award under conventional heads. This court is of the view that head-wise various computation of compensation deserves to be modified as below:-

Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.10,568/-
2	Future prospects	Rs.4,228/- (40% of Rs.10,568/-)
3	Deduction towards personal expenditure 1/3	Rs.4,932/- (Rs.14,796/- x 1/3 rd)
4	Total Monthly Income	Rs.9,864/- (Rs.14,796/- subtract Rs.4,932/-)
5	Multiplier	15
6	Annual dependency	Rs.17,75,520/- (Rs.9,864/- x 12 x 15)
7	Loss of Consortium	Rs.1,44,000/- (48,000 x 3)
8	Funeral expenses	Rs.18,000/-
9	Loss of Estate	Rs.18,000/-
10	Total compensation	Rs.19,55,520/-
11	Less: Award by MACT	Rs.19,25,520/-
12	Enhancement	Rs.30,000/-

12. Accordingly, the appellants are held to an additional compensation of Rs.30,000/-, which shall be payable to the appellants with



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interest at the rate of 7.5% per annum from the date of the filing of the claim petition.

13. Both the appeals are disposed off.
14. As the main appeals have been decided, pending application(s), if any, is/are disposed off.

06.03.2025
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(SUVIR SEHGAL)
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No