



FAO-1763-2020 (O&M)

-1-

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

264

FAO-1763-2020 (O&M)

Date of decision: 03.04.2025

Mahinder Singh and others

... Appellants

Vs.

Manmohan Singh and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ishan Cooner, Advocate for
Mr. J. S. Cooner, Advocate for the appellants.

Mr. H.S. Dhandi, Advocate
for the Insurance Company-respondent No.3.

SUVIR SEHGAL J.

1. Instant appeal has been filed under the Motor Vehicles Act, 1988, (for brevity “MV Act”) by the legal representatives of Malkiat-deceased. Appellants have sought enhancement of compensation awarded by the Motor Accident Claims Tribunal (for short “the Tribunal”), Ambala, vide award dated 17.08.2019.

2. Facts, leading to the filing of the appeal, are that on 08.07.2017, Malkiat was walking on the left-hand side of the berm of a road, proceeding from his village Ballana to Tulsi Public School. A car bearing registration No. HR-20-AC-6755, being rashly driven by respondent No.2, Pawan Kumar, hit him and he sustained multiple injuries. He was taken to Civil Hospital, Ambala, by the driver of the offending vehicle,

**FAO-1763-2020 (O&M)****-2-**

from where he was referred to GMCH, Sector-32, Chandigarh. However, he succumbed to his injuries on 19.07.2017. Appellants filed a petition under Section 166 of the MV Act, claiming compensation on account of the death of Malkiat, which has been partly accepted vide award dated 17.08.2019 and they have been granted compensation of Rs.12,27,100/-. Respondents have been held jointly and severally liable to pay the amount, along with interest @ 12% per annum from the date of filing of the claim petition.

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

4. 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.2 and Malkiat died due to cardiac arrest during the course of treatment for injuries sustained in the accident as per Post Mortem Report, Ex.P-3. The death is therefore, relatable to the vehicular accident. Tribunal found that respondent No.2 had a valid driving license and offending vehicle was insured under insurance policy Ex.R1.

5. Compensation was assessed by considering the income of the deceased as Rs.8,280/- per month, based on the minimum wages notification issued by the Government of Haryana dated 02.03.2017, effective from 01.01.2017. Monthly income of the deceased has been correctly determined and does not require modification. As the deceased was a bachelor, deduction of $\frac{1}{2}$ from monthly income towards personal



expenditure, made by the Tribunal, is appropriate and does not need to be altered. Considering the age of the deceased as 28 years, Tribunal is right in granting future prospects at 40% and applying multiplier of 17. Additionally, Tribunal awarded Rs.14,683/- towards medical expenses on the basis of the bills produced by the claimants. Award under funeral expenses and loss of estate deserves to be enhanced. Loss of consortium is to be granted to the sole dependent, i.e., the mother of the deceased.

6. In the light of the principles laid down by the Supreme Court in Smt. Sarla Verma and others Versus 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 award under conventional heads. The court is of the view that head-wise computation deserves to be modified as below:-

Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.8,280/-
2	Future prospects	Rs.3,312/-(40%of Rs.8,280/-)
3	Deduction towards personal expenditure 1/2	Rs.5796/-(Rs.11,592/-x1/2)
4	Total Monthly Income	Rs.5796/- (Rs.11,592/- subtract Rs.5796/-)
5	Multiplier	17
6	Annual dependency	Rs.11,82,284/- (Rs.5,796/- x12x17)
7	Loss of Estate	Rs.18,000/-



8	Funeral expenses	Rs.18,000/-
9	Loss of consortium	Rs.48,000/-
10	Medical Expenses	Rs.14,683/-
11	Total compensation	Rs.12,81,067/-
12	Less: Award by MACT	Rs.12,27,100/-
13	Enhancement	Rs.53,967/-

7. Accordingly, the appellants are held to an additional compensation of Rs.54,000/- (rounded off), which shall be payable by the respondents with interest at the rate of 7.5% per annum from the date of the filing of the claim petition.

8. Appeal is disposed off.

9. As the main appeal has been decided, pending application(s), if any, is/are disposed off.

03.04.2025
pooja saini

(SUVIR SEHGAL)
JUDGE

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