



FAO-2027-1994

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

(104)

FAO-2027-1994

Date of decision:- 17.03.2025

Dr. Gulshan Sachdeva

...Appellant

Versus

Jagtar Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Deepak Girotra, Advocate, with
Ms. Nirmala Jangra, Advocate, and
Mr. Lakshay Malik, Advocate
for the appellant.

Mr. Neeraj Khanna, Advocate, for
Mr. Ravinder Arora, Advocate
for respondent No.3.

Mr. Ram Avtar, Advocate
for respondent No.6.

...

SUVIR SEHGAL, J. (Oral)

1. Instant appeal has been filed under the Motor Vehicles Act, 1988 (for brevity "MV Act") by the husband of Anshu, deceased, claiming enhancement of compensation awarded by the Motor Accident Claims Tribunal (for short "the Tribunal"), Rohtak, vide award dated 16.02.1994.

2. Facts leading to the filing of the appeal are that on 20.02.1992, Anshu was travelling in a jeep with temporary number, which was involved in an



accident between a tanker bearing registration number HIU 4661, and a truck bearing registration number HR-10-1456. Accident took place when the tanker tried to overtake a vehicle. It met with a head on collision with the Jeep. The truck which was following the jeep, struck the jeep from behind. Anshu, Ashok and Amar Singh died in the accident. Krishan, Vasudev, Satyewan and Giano received multiple injuries. An FIR was lodged at Police Station Sadar, Rohtak. Appellant filed a petition under Section 166 of MV Act, claiming compensation on account of the death of Anshu, which has been partly accepted vide award dated 16.02.1994 and he has been granted compensation of Rs.60,000/-. All the respondents have been held jointly and severally liable to pay the amount.

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.1 and respondent No.7, the driver of the tanker and truck respectively, resulting in death of Anshu in the vehicular accident.

5. Tribunal found claimant to be entitled for compensation on account of death of Anshu, his first wife, even though he had married again during the pendency of the claim petition, by relying on the judgements of Mrs. Hira Devi - etc. Versus Smt. Bhaba Kanti Das and others etc. 1977 A.C.J. 293 and Sobha Jain and another Versus Bihar State Tribal Co-operative Development Corporation Ltd., Ranchi and others 1983 A.C.J. 327. A Division Bench of the Allahabad High Court in United India Insurance Co. Ltd. Versus Smt. Baby and others, 2017 (1) Civil LJ 723, held that remarriage



cannot be held to be a disqualification for getting compensation and merely by remarriage, the legal heirship of the claimant does not vanish. Right of the appellant to award of compensation on account of death of his legally wedded wife in a vehicular accident cannot be defeated as he married again.

6. Compensation was assessed by assuming the income of the deceased, who was working as lecturer as Rs.500/- per month for the first five years and Rs.200/- per month for the next eleven years, which deserves to be modified. The income of the deceased, who was working as a Lecturer, has been established to be Rs.4,100/- per month. Tribunal has applied a multiplier of 16 which also deserves to be modified to 17, as the age of the deceased was 26 years at the time of the accident, in view of the judgment in *Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, (2009) 6 SCC 121*. A deduction of $\frac{1}{2}$ is applied on the total salary towards personal and living expenses of the deceased, as the number of dependents was only one. Tribunal has neither considered the future prospects of the deceased nor granted the appropriate compensation under the conventional heads.

7. In the light of the principles 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*, claimants are entitled to award under conventional heads, for future prospects, etc. The 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.4,100/-
2	Deduction towards personal expenditure 1/2th	Rs.2,050/- (Rs.4,100/- x 1/2)
3	Future prospects	Rs.1,025/- (50% of Rs.2,050/-)
4	Total Monthly Income	Rs.3,075/- (Rs.2,050/ + Rs.1,025/-)
5	Multiplier	17
6	Annual dependency	Rs.6,27,300/- (Rs.3,075/- x 12 x 17)
7	Loss of Estate	Rs.18,000/-
8	Funeral expenses	Rs.18,000/-
9	Loss of consortium	Rs.48,000/-
10	Total compensation	Rs.7,11,300/-
11	Less: Award by MACT	Rs.60,000/-
12	Enhancement	Rs.6,51,300/-

8. Accordingly, the appellants are held to an additional compensation of Rs.6,51,300/-, which shall be payable to by the respondents with interest at the rate of 7% per annum from the date of the filing of the claim petition. As directed by this Court, appellant shall not be entitled to benefit of interest on the additional amount from 05.10.2010 to 15.01.2025.

9. Appeal is disposed off.

(SUVIR SEHGAL)
JUDGE

17.03.2025
Pardeep

Whether Speaking/Reasoned	Yes
Whether Reportable	Yes