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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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Date of decision:15.05.2025

BHARTI SHARMA & ORS.

...APPELLANTS

VS.

VINOD KUMAR & ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Rishav Jain, Advocate &
Ms. Shivaly Singla, Advocate
for the appellant.

Mr. Vinod Gupta, Advocate
for respondent No.3.

None for the remaining respondents.

SUVIR SEHGAL, J.

1. Instant appeal has been filed under the Motor Vehicles Act, 1988 (for brevity "MV Act") by the legal representatives of Rajinder Kumar-deceased. Appellants have sought enhancement of compensation awarded by the Motor Accident Claims Tribunal (for short "the Tribunal"), Patiala, vide award dated 03.03.2003.

2. Facts leading to the filing of the appeal are that on 19.01.2001, deceased Rajinder Kumar and Pritpal Sharma were travelling together. Near Patiala bus stand, a truck bearing registration No.HR-37-4039 being rashly driven by respondent no.1 struck Rajinder Kumar, who was crushed under



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the truck and died on the spot. An FIR was lodged under Sections 279, 304-A IPC. Claimants filed a petition under Section 166 of the MV Act, claiming compensation on account of the death of Rajinder Kumar, which has been partly accepted and they have been granted compensation of Rs.10,43,600/-. Driver and owner of offending vehicle as well as insurance company have been held liable to pay the compensation, alongwith interest @ 9 % p.a., 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.1, the driver of the truck, and Rajinder Kumar died in the motor vehicle accident. Tribunal found that the driver of the offending vehicle was holding a valid driving license and the vehicle was insured under insurance policy Ex.R3.

5. Compensation was assessed by taking the income of the deceased, who was 42 years old and was working as Assistant Grade II(D) in FCI as Rs.10,798/- per month as is apparent from salary certificate, Ex.R1. Tribunal has applied a multiplier of 12, which deserves to be modified and enhanced to 14 in view of the age of the deceased at the time of accident as per the settled legal position in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, (2009) 6 SCC 121**. Further, the Tribunal has deducted 1/3rd of the income towards personal and living expenses of the deceased, which does not need any alteration as deceased is



survived by his widow and two minor children. Tribunal has erred in not considering future prospects of the deceased and has awarded inadequate compensation under conventional heads.

6. 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. 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.10,798/-
2	Deduction towards personal expenditure 1/3rd	Rs.3,599/- (Rs.10,798/- x 1/3)
3	Future prospects	Rs.2,160/- (30% of Rs.7,199/-)
4	Total Monthly Income	Rs.9,359/- (Rs.7,199/ + Rs.2,160/-)
5	Multiplier	14
6	Annual dependency	Rs.15,72,312/- (Rs.9,359/- x 12 x 14)
7	Loss of Estate	Rs.18,000/-
8	Funeral expenses	Rs.18,000/-
9	Loss of consortium	Rs.1,44,000/- (Rs.48,000/- payable to each of the three dependants)
10	Total compensation	Rs.17,52,312/-
11	Less: Award by MACT	Rs.10,43,600/-
12	Enhancement	Rs.7,08,712/-



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7. Accordingly, the appellants are held to an additional compensation of Rs.7,08,712/-, which shall be payable to 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.

15.05.2025

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(SUVIR SEHGAL)
JUDGE

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