



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

213

FAO-1876-2021 (O&M)
Date of decision: 03.05.2025

Simranjit Kaur**...Appellant(s)**

Vs.

Partap Singh and others**...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Kushagra Mahajan, Advocate
for the appellant.

Mr. Deepak Arora, Advocate
for respondent No.1.

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

NIDHI GUPTA, J.

Present appeal has been filed by the sole claimant/wife seeking enhancement of compensation of Rs.11,58,136/- awarded to the appellant/wife and respondent No.4/mother of the deceased, by the learned Motor Accident Claims Tribunal, Gurdaspur (hereinafter referred to as "the learned Tribunal") vide Award dated 15.10.2018 passed in claim petition No. 29 dated 21.07.2016 filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as "the Act").

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Labh Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 06.06.2016 due to the rash and



negligent driving of Chevrolet Car bearing registration No.PB-06-Y-5680 (hereinafter referred to as “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2 and insured by respondent No.3. Respondent No.3-insurance company was held liable to make the payment of compensation of Rs.11,58,136/- together with interest @ 6% per annum from the date of claim petition till actual realization. Out of the said compensation, a sum of Rs.6,25,000/- was to be paid to the widow/claimant with proportionate interest; whereas balance sum of Rs.5,33,136/- was to be paid to the mother of the deceased/respondent No.4.

3. Learned counsel for the appellant seeks enhancement of compensation on the ground that the deceased was a skilled worker i.e. he was working as a Driver. Yet, learned Tribunal has taken income of the deceased as Rs.8,000/- p.m. It is submitted that as per the Notification dated 05.04.2017 issued by office of Labour Commissioner, Punjab, as on 01.03.2016 wages admissible to a skilled worker was Rs.8887.52. Copy of the said Notification has been handed over in Court today, which is taken on record. It is submitted that as such, income of the deceased has been taken on the lower side.

4. It is further submitted that nothing has been awarded by way of future prospects. As the deceased was 28 years old at the time of accident therefore, addition of 40% ought to have been made towards future prospects. It is accordingly prayed that the present appeal be allowed; the impugned Award be modified and compensation be enhanced.



5. Learned counsel for respondent No.3-insurance company accompanied by learned counsel for respondent No.1 submits that the impugned Award is just and fair in the facts and circumstances of the case and does not warrant any interference. It is accordingly prayed that the present appeal be dismissed.

6. No other argument is raised on behalf of the appellant.

7. I have heard learned counsel for the parties and perused the case file in great detail.

8. I find merit in the submissions made on behalf of the appellant. Learned counsel for respondent No.3 is unable to deny that as per the relevant Notification, income of the deceased ought to have taken as Rs.8887/- p.m. as it was proven on record that the deceased was employed as driver in a company in the State of Qatar. Deceased was holding Driving Licence No. 28735637449 and was authorized to operate Excavator, Crane and Loader etc. Deceased was also having Residency Permit No. F 6402459. As such, income of the deceased ought to have taken as Rs.8,887/- p.m.

8. The record also shows that the learned Tribunal has failed to award anything by way of future prospects. The age of the deceased was proved to be 28 years, from his passport Ex.R3; as also from postmortem report. Therefore, an addition of 40% ought to have been made towards future prospects in view of law laid down Hon'ble Supreme Court in case of "*Sarla Verma Vs. Delhi Transport Corporation*" (2009) AIR (SC) 3104 Law Finder Doc ID # 188882.

9. In view of the above discussion, this appeal is **allowed** to the following extent: -

Sr.No.	Head	Before the Tribunal	Revised compensation
1.	Loss of dependency after 1/3rd deduction	Rs.8,000-1/3rd= 5334 x 12 = Rs.64,008/-	Rs.8,887-1/3rd= 5925 x 12 = Rs.71,100/-
2.	Future prospects @ 40% of annual income.	-----	71,100 + 28440= Rs.99,540/-
3.	Multiplier	64008 x 17= Rs.10,88,136/-	99540 x 17= Rs.16,92,180/-
4.	Consortium	Rs.40,000/-	Rs.40,000/-
5.	Funeral expenses and expenses for transportation of dead body	Rs.15,000/-	Rs.15,000/-
6.	Loss of estate	Rs.15,000/-	Rs.15,000/-
	Total:-	Rs.11,58,136/-	Rs.17,62,180/-
	Interest	6% per annum	6% per annum
	Enhanced compensation	Rs.17,62,180 -11,58,136 = Rs.6,04,044/-	

10. Pending application(s) if any also stand(s) disposed of.

03.05.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No