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

FAO-1006-2021

Date of decision: 27.01.2025

BALWINDER SINGH AND ORS.

...APPELLANTS

VERSUS

RANBIR SINGH AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Vishal Gupta, Advocate for the petitioner.

Mr. Aseem Aggarwal, Advocate for respondent No.3.

SUVIR SEHGAL, J. (ORAL)

1. Instant appeal has been filed under the Motor Vehicles Act, 1988 by the legal representatives of Satwinder Kaur-deceased. Appellants have sought enhancement of compensation granted by the Motor Accident Claims Tribunal (for short "the Tribunal"), Rupnagar vide award dated 07.02.2020.

2. Facts leading to the filing of the appeal are that on 26.03.2019, Balwinder Singh and his wife Satwinder Kaur were going to Rupnagar in their car. A tipper bearing registration No.PB-65AT-6783, which was driven rashly by respondent No.1, was going ahead of them and it suddenly applied its brakes. The left side of the car struck the tipper, causing multiple injuries to car occupants. Satwinder Kaur, who was in serious condition, was referred to PGI, Chandigarh, but she died on her way to the Hospital. Her postmortem, Ex.P2, was conducted in Civil Hospital, Rupnagar and an FIR bearing No.32 dated 26.03.2019 was lodged under Sections 279, 337, 283, 304-A, 427 IPC at Police Station Sadar, Rupnagar, on the statement of Lakhvir Singh-PW2, an eye-witness. The appellants filed a claim petition under Section 166 of the Motor



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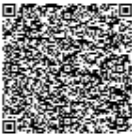
Vehicles Act, 1988 claiming compensation, which has been accepted vide award dated 07.02.2020. Appellants have been granted compensation of Rs.16,35,000/-, along with interest @ 7% per annum from the date of filing of the claim petition.

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

4. On the basis of the evidence adduced, Tribunal has come to the conclusion that the accident took place on account of rash and negligent driving by respondent No.1 and Sukhwinder Kaur died in the vehicular accident. Tribunal found that Respondent No.1 had a valid Driver License Ex.R7 and the offending vehicle was fully insured under insurance policy Ex.R3.

5. Compensation was assessed by taking the notional income of the deceased, who was a housewife and 38 years of age, as Rs.9000/- per month, by relying on the judgment of this Court in **IFFCO Tokio General Insurance Co. Ltd Vs. Narinder Singh and others, 2017 (4) PLR 28**, which does not require any interference. Tribunal has applied a multiplier of 15, in view of the judgment of the Supreme Court in **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, (2009) 6 SCC 121**, and awarded Rs.15,000/- towards funeral expenses which is required to be enhanced to Rs.18,000/- as laid down **National Insurance Company Ltd. Vs. Pranay Sethi & Ors., (2017) 16 SCC 680**. The claimants are also entitled Rs.48,000/- as consortium to each of the three dependents and Rs.18,000/- towards loss of estate, in view of **Magma General Insurance Co. Ltd Versus Nanu Ram @ Chuhru Ram and others, 2019(3) SCC (Cri) 153**.

6. By including these amounts, the compensation payable to the



Sr. No.	Heads	Compensation Awards
1	Monthly Income (salary)	Rs.9,000/-
2	Multiplier	15
3	Annual dependency	Rs.16,20,000/- (Rs.9000/- X 12 X 9)
4	Loss of Estate	Rs.18,000/-
5	Funeral expenses	Rs.18,000/-
6	Loss of consortium	Rs.1,44,000/- (Rs.48,000/- payable to each of three dependents)
7	Total compensation	Rs.18,00,000/-
8	Less: Award by MACT	Rs.16,35,000/-
9	Enhancement	Rs.1,65,000/-

7. Accordingly, the appellants are held to an additional compensation of Rs.1,65,000/-, which shall be payable to the appellants with interest at the rate of 7% 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.

27.01.2025
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(SUVIR SEHGAL)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No