

**FAO-1446-2008****-1-****203****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****FAO-1446-2008****Date of Order:-10.01.2025**

Smt. Savitri and others

...Appellants

Versus

Mohinder Pal Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL**Present** :- Mr. Surender Saini, Advocate
for the appellants.Mr. Pardeep Goyal, Advocate and
Ms. Simran, 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 Krishan-deceased. The appellants have sought enhancement of compensation awarded by the Motor Accident Claims Tribunal (for short "the Tribunal"), Sonapat vide award dated 11.12.2007.

2. Facts leading to the filing of the appeal are that on 20.08.2006, Krishan was traveling on a motorcycle driven by Vijay Pal. A car bearing registration No. DL-3C-AB-5731, which was being driven by Respondent No.2 in a rash and negligent manner, struck their

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motorcycle. Due to the accident, Krishan died on the spot. An FIR bearing No.310 dated 20.08.2006 was registered for offences under Sections 279, 338, 304-A IPC at Police Station Samalkha. The appellants, who are the wife and children of the deceased, filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, which has been accepted vide award dated 11.12.2007 and they have been granted compensation of Rs.4,40,000/-, along with interest @ 7.5% 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 that Krishan died in the vehicular accident. Tribunal found that the offending vehicle was fully insured under insurance policy Ex.R3/Ex.R4.

5. Compensation was assessed by assuming the income of the deceased who was 37-38 years of age, as Rs.3,000/- per month. The minimum rate of wage for unskilled worker in the State of Haryana on 01.11.2004 was Rs.2,600/- and on 01.07.2007, it was Rs.3,510/-. Accident took place on 20.08.2006, therefore, income of the deceased can be assumed to be Rs.3,200/- per month. On the basis of Ex.P2 and Ex.P3, it was argued by the counsel for the appellants that Krishan took 5 acres of land on lease from Mahabir, PW3, for the purpose of cultivation and he was also working as a commission agent. But in the absence of any proof regarding income, this evidence deserves to be discarded. It has come in the evidence of the widow, PW1, that the



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deceased left behind four minor children, who all were dependent upon him. Tribunal has imposed a cut of 1/4th for personal expenses, which is proper. Multiplier of 16 applied by the Tribunal has to be reduced as age of deceased was 38 years. In *Sarla Verma and others Vs Delhi Transport Corporation and another (2009) 6 SCC 121* Supreme Court has laid down the multiplier table. A multiplier of 15 has to be applied when the age group of the deceased is between 36 to 40 years. Claimants are also entitled to 40% increase for the future prospects as has been held by the Supreme Court in *National Insurance Company Limited Versus Pranay Sethi and Ors.(2017) 16 SCC 680* besides amount of Rs.48,000/- as consortium to each of the dependents and Rs.18,000/- each towards loss of estate and funeral expenses.

6. By including these amounts, the compensation payable to the appellants works out as under:-

Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.3,200/-
2	After Deduction towards personal expenditure 1/4th	Rs.2,400 (Rs.3,200 - Rs.800)
3	Future prospects	Rs.960/- (40% of Rs.2,400/-)
4	Total Monthly Income	Rs.3360/- (Rs.2400/- + Rs.960/-)
5	Multiplier	15
6	Annual dependency	Rs.6,04,800/- (Rs.3200/- x 12 x 18)
7	Loss of Estate	Rs.18,000/-
8	Funeral expenses	Rs.18,000/-
9	Loss of consortium	Rs.2,40,000/- (48,000 x 5)
10	Total compensation	Rs.8,80,800/-
11	Less: Award by MACT	Rs.4,40,000/-
12	Enhancement	Rs.4,40,800/-

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7. Accordingly, the appellants are held to an additional compensation of Rs.4,40,800/-, which shall be payable to the appellants with interest at the rate of 6% 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.

(SUVIR SEHGAL)
JUDGE

10.01.2025**Brij****Whether reasoned/speaking : Yes/No****Whether reportable : Yes/No**