

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****113****FAO-4162-2008(O&M)****Date of decision: 28.07.2025****Jaswant Kaur & Others****...Appellant(s)****Vs.****Harpal Singh & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Sandeep Kumar, Advocate
for the appellants.

Mr. Radhe Shyam Sharma, Advocate
for respondent No.4.

NIDHI GUPTA, J.**CM-4650-CII-2025**

This is an application under Section 151 CPC for fixing actual date of hearing of the main case i.e.FAO-4162-2008.

For the reasons stated in the application, the same is allowed, and the main case i.e.FAO-4162-2008 is taken on board today itself.

CM-4786-CII-2025

This is an application under Order 22 Rule 3 CPC for impleading Legal Heirs of deceased Jaswant Kaur (Appellant) in the present case.

After going through the contents of the application, which is supported by affidavit, the same is allowed subject to all just exceptions and Amended Memo of Parties is taken on record.

**MAIN CASE**

Present appeal has been filed by the claimants seeking modification of Award dated 11.08.2008 passed by Motor Accident Claims Tribunal, Barnala whereby MACT Case No.5 dated 06.03.2007 filed by the appellants under Section 166 of the Motor Vehicles Act, has been allowed and the claimants have been awarded compensation of Rs.3,65,000/-. The 3 claimants were the parents and the minor daughter of deceased Raghbir Singh. Respondent No.5 before the learned Tribunal was the divorced wife of deceased Raghbir Singh. By way of impugned Award, it was also directed that respondent No.5 shall receive 20% of the awarded amount of Rs.3,65,000/-. The appellants are aggrieved of the same; by way of the present appeal, they have also prayed that the compensation be enhanced to Rs.20 lakh.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Raghbir Singh had died due to the injuries suffered by him in a motor vehicle accident that took place on 26.01.2007 due to the rash and negligent driving of Tempo bearing registration No.PB-10-BV-2289 (hereinafter referred to as “the offending vehicle”) by respondent No.1. The offending vehicle was owned by respondents No.2 & 3 and insured by respondent No.4.

3. It is inter alia submitted by learned counsel for the appellants that the learned Tribunal was in patent error in awarding compensation to



respondent No.5 as she was not a claimant before the learned Tribunal. Moreover, respondent No.5 was the divorced wife of deceased Raghbir Singh and was therefore, not entitled to compensation. It is contended that respondent No.5 had again remarried to one Surinder Singh son of Tek Singh. Thus, no compensation could have been awarded to respondent No.5.

4. On quantum of compensation, learned counsel for the appellants submits that in case compensation had to be awarded to respondent No.5, then a deduction of $\frac{1}{3^{\text{rd}}}$ could not have been made; and therefore, deduction of $\frac{1}{4^{\text{th}}}$ ought to have been made.

5. It is further submitted that deceased was not more than 30 years old and therefore, multiplier of 17 ought to have been applied; whereas learned Tribunal has applied multiplier of 15. Learned counsel, accordingly, prays for modification of the impugned Award.

6. No other argument is made on behalf of the appellants.

7. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the appellants as although it has been stated by the appellants that respondent No.5 had contracted second marriage, however, on a direct Court query, it has been candidly admitted by learned counsel that there was no proof of her second marriage. Moreover, claimant No.3/father of the deceased had admitted during his cross-examination that there was no proof of second marriage of respondent No.5. Further, Respondent No.5 was impleaded as party



respondent during the pendency of the Claim Petition. However, she was subsequently proceeded against ex parte. In this view of the matter, the respondent No.5 admittedly being the wife, albeit divorced wife of the deceased, was entitled for compensation.

8. As regards the quantum of compensation, I find some merit in the submissions made on behalf of the appellants. Accordingly, keeping in view the established precepts of law governing grant of compensation, the impugned Award is modified in the following manner: -

Head	Before the Tribunal	Revised compensation
Income	Monthly: Rs.3,000/- Annual: Rs.36,000/-	Monthly: Rs.3,000/- Annual: Rs.36,000/-
Deduction	1/3 rd	1/4 th = Rs.27,000/-
Future prospects	Nil	40% = Rs.37,800/-
Multiplier	15	17 = Rs.6,42,600/-
Loss of estate	-	Rs.18,000/-
Funeral expenses	Rs.5,000/-	Rs.18,000/-
Loss of consortium	Parental – Nil Filial – Nil Spousal – Nil	Parental – Rs.48,000/- Filial – Rs.48,000/-
Total	Rs.3,65,000/-	Rs.7,74,600/-
Interest	6%	6%

9. Present appeal accordingly stands **partly allowed** in above terms.

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

28.07.2025
Sunena

(Nidhi Gupta)
Judge

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