IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

205 **FAO-1690-2010**
Date of decision:20.02.2025

HARISH SINGLA & ORS. ...APPELLANTS

VS.

JAWALA PARSHAD & ORS. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Ms. Ekta Thakur, Advocate &
Ms. Shikha, Advocate
for the appellants.

Ms. Gunjan Sachdeva, Advocate for
Mr. Puneet Sharma, Advocate
for respondent No.3.

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SUVIR SEHGAL, J.

1. Instant appeal has been filed under the Motor Vehicles Act, 1988, (for short "MV Act") by the legal representatives of Bimla Devi Singla- deceased. Appellants have sought enhancement of compensation granted by the Motor Accident Claims Tribunal (for short "the Tribunal"), Chandigarh vide award dated 12.01.2009.

2. Facts leading to the filing of the appeal are that on 07.06.2005, the deceased Bimla Devi Singla alongwith Subhash Singla were travelling from Chandigarh to Hisar in a car driven by Deepak. When they reached at village Juglana, a Truck bearing registration no. RJ-10-G-0690 which was being driven by Jawala Parshad- respondent No.1 came from the opposite

side and hit the car. Bimla Devi Singla succumbed to the injuries, Subhash Singla and other occupants sustained multiple injuries in the motor accident. An FIR (Ex.PX) was lodged. Appellants filed a claim petition under Section 166 of MV Act claiming compensation on account of the accidental death of Bimla Devi Singla, which has been partly accepted vide award dated 12.01.2009 and they have been granted compensation of Rs.4,87,000/-. Respondents no.1 to 3 have been jointly and severally liable to pay the same, 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 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 of the offending truck by respondent No.1 and Bimla Devi Singla died in the vehicular accident. Tribunal found that respondent No.1 had a valid driver's license and the offending vehicle was insured under insurance policy Ex.R6.

5. Compensation was assessed by assuming the notional income of the deceased, who was 46 years old lady and was running a business in the name and style of Amit Arts, as Rs.80,000/- per annum, as per income tax returns filed by the deceased. Tribunal applied a deduction of 1/3 towards personal expenses from the monthly income as the deceased had four dependents. Tribunal applied a multiplier of 9, which is on the lower side. Tribunal has not considered future prospects of the deceased. Further, the claimants were awarded Rs.2500/- on account of Funeral Expenses and

Rs.2500/- for loss of Estate, which deserve to be enhanced.

6. In the light of the principles laid down by the Supreme Court in ***Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, (2009) 6 SCC 121; 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 computation of compensation deserves to be modified as below :-

Sr. No.	Heads	Compensation Awards
1	Annual Income	Rs.80,000/-
2	Future prospects	Rs.24,000/- (30% of Rs.80,000/-)
3	Deduction towards personal expenditure 1/3	Rs.1,04,000/- X 1/4
4	Total Annual Income	Rs.78,000/- (Rs.1,04,000/- subtract Rs.26,000/-)
5	Multiplier	13
6	Annual dependency	Rs.10,14,000/- (Rs.78,000/- X 13)
7	Loss of Consortium	Rs.1,92,000/- (48,000 X 4)
8	Funeral expenses	Rs.18,000/-
9	Loss of Estate	Rs.18,000/-
10	Total compensation	Rs.12,42,000/-
11	Less: Award by MACT	Rs.4,87,000/-
12	Enhancement	Rs.7,55,000/-

7. Accordingly, the appellants are held to an additional compensation of Rs.7,55,000/-, which shall be payable by respondents No.1 to 3 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.

20.02.2025 **(SUVIR SEHGAL)**
sheetal **JUDGE**

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