



FAO-2371-2010 (O&M)

-1-

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

215

FAO-2371-2010 (O&M)

Date of decision: 27.03.2025

Smt. Mohindero Devi and others

... Appellants

Vs.

Salinder Singh and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Rishi Pal Chaudhary, Advocate for the appellants.

None for respondent No.1.

Mr. Om Pal Sharma, Advocate and
Mr. H.S. Parmar, Advocate for respondent No. 2.**SUVIR SEHGAL J.**

1. Instant appeal has been filed under the Motor Vehicles Act, 1988 (for brevity, "MV Act") by the legal representatives of Balkar Singh-deceased, claiming enhancement of compensation granted by the Motor Accident Claims Tribunal (for short "the Tribunal"), Karnal vide award dated 27.08.2009.

2. Facts leading to the filing of the appeal are that on 24.04.2007, Balkar Singh along with his brother Rajesh Kumar was travelling on a motorcycle and Devi Singh took a lift from them. A truck bearing registration No. HR-38-K-0848, which was being driven by respondent No.1, at a high speed collided with the motorcycle. All three motorcycle riders fell on the road and Balkar Singh sustained grievous injuries, resulting in his death. An FIR, Ex.D5, No.62 dated 24.04.2007 was lodged under Sections 279, 337, 304-A IPC at Police Station

**FAO-2371-2010 (O&M)****-2-**

Madhuban. The appellants filed a petition under Section 166 of the MV Act claiming compensation on account of the death of Balkar Singh, which has been partly accepted vide award dated 27.08.2009. They have been granted compensation of Rs.3,71,000/-, and respondents have been jointly as well as 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 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.1 and Balkar Singh died in the motor vehicle accident. Tribunal found that respondent No.1 had a valid driver's license Ex.D2 and the offending vehicle was insured under insurance policy Ex.D6.

5. Although, Mahindro Devi, PW2, widow of the deceased, has testified that her husband was earning more than Rs. 30,000/- p.m. from agriculture and dairy farming, but she could not support her case with any documentary evidence. In the absence of any supporting material, deceased has to be treated as an unskilled labour. Minimum wage for unskilled labour notified by Government of Haryana effective from 01.01.2007 is Rs.2,553.58/- and from 01.07.2007, it is Rs.3510/-. As the date of accident is 24.04.2007, therefore, taking the mean of both the minimum wages, the income of the deceased is assessed as Rs.3,000/- (rounded off). Amount of Rs. 2,600/- per month presumed by the Tribunal is inadequate. Tribunal has applied a deduction of $\frac{1}{4}$ th towards



personal expenses from the monthly income as the deceased had four dependents, which does not need to be modified. Tribunal rightly applied a multiplier of 15, keeping in view that deceased was 40 years of age. Tribunal has not considered future prospects of the deceased. Further, the claimants were awarded Rs.5,000/- each on account of funeral expenses and for loss of estate, which deserves 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 various computation of compensation deserves to be modified as below:-

Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.3,000/- per month
2	Future prospects	Rs.750/- (25% of Rs.3,000/-)
3	Deduction towards personal expenditure 1/4	Rs.938/- (Rs.3,750/- X 1/4)
4	Total Monthly Income	Rs.2,812/- (Rs.3,750/ subtract Rs.938/-)
5	Multiplier	15
6	Annual dependency	Rs.5,06,600/- (Rs.1,821/- x 15 x 12)
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.7,34,600/-
11	Less: Award by MACT	Rs.3,71,000/-
12	Enhancement	Rs.3,63,600/-

7. Accordingly, the appellants are held to an additional



FAO-2371-2010 (O&M)

-4-

compensation of Rs.3,63,600/-, which shall be payable to the appellants 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.

27.03.2025
pooja saini

(SUVIR SEHGAL)
JUDGE

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No