



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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**IOIN-FAO-1129-2014 in/and
FAO-1129-2014 (O&M)
Date of decision: 08.05.2025**

Rajbala and others

...Appellant(s)

Vs.

Pardeep and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. M.S.Rana, Advocate
for the appellants.

Mr. Munish Kumar Garg, Advocate and
Mr. Yuwan Singla, Advocate for the
respondent No.4.

NIDHI GUPTA, J.

IOIN-FAO-1129-2014

The present appeal is of the year 2014. On the oral request of learned counsel for the parties, main appeal is taken up on Board today itself.

IOIN stands disposed of.

FAO-1129-2014 (O&M)

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.9,04,940/- awarded by the learned Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as "the learned Tribunal") vide Award dated 23.10.2013 passed in MACT Case No.



25 dated 08.09.2012 filed by the appellants under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as “the Act”) for grant of compensation of Rs.30,00,000/-. The 3 claimants are the widow and 2 minor children aged 17 years and 15 years respectively, of the deceased Ram Singh, who was stated to be about 40 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased- Ram Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 09.08.2012 due to the rash and negligent driving of Swfit D-zire Car bearing registration No.HR-26BS-3954 (hereinafter referred to as “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The aforesaid compensation was awarded along with interest @ 7.5% per annum from the date of filing the petition till actual realisation. The respondents No.1 to 3 were held jointly and severally liable to pay the amount of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation on the ground that the salary of the deceased has been taken on the lower side as Rs.5,000/- p.m. It is submitted that it is proven on record that the deceased was a Truck Driver. The appellants had led cogent evidence in the form of evidence of PW3 Satbir Singh, who was also working as Driver and who had placed on record his salary slip Ex.P4,



as per which, he was drawing Rs.36,000/-p.m. It is contended that in the face of this concrete evidence of a person similarly placed as the deceased, the income of the deceased could not have been taken as only Rs.5,000/- p.m. The appellants had also led evidence to show that the deceased was employed with Rajender Sharma, respondent No.4 from whom deceased was drawing salary of Rs.10,000/- p.m. as driver along with daily allowances etc. Furthermore, deduction of 1/3rd has been incorrectly made. Learned Tribunal ought to have considered that the claimants are the widow and 2 minor children of the deceased. Accordingly, deduction of 1/4th ought to have been made. Further, multiplier of only 15 has been applied, whereas higher multiplier should have been applied. Only Rs.25,000/- has been given for funeral expenses, whereas nothing has been awarded for loss of estate. Interest has been awarded @ 7.5% per annum, whereas it should be 12% per annum. It is accordingly prayed that the present appeal be allowed; and the impugned Award be modified.

4. No other argument is raised on behalf of the appellants.
5. I have heard learned counsel for the appellants and perused the case file in great detail.
6. I find no merit in the submissions advanced on behalf of the appellants. It was pleaded by the appellants that the deceased was a driver and earning Rs.10,000/- p.m. However not one whit of evidence was led by the appellants to prove income of the deceased. Reliance



placed by the appellants on the evidence of PW3 Satbir Singh is misplaced as the two cases are not comparable. PW3 Satbir Singh was in a Govt. Job employed as a permanent driver in the Haryana Roadways; whereas it is the case of the appellants that the deceased was employed as a driver with respondent No.4. However, even respondent No.4 was not produced as witness by the claimants to prove that the deceased was drawing Rs.10,000/- p.m. as salary. As such, learned Tribunal has rightly assessed notional income of the deceased as Rs.5,000/- p.m. The age of the deceased was proven to be 40 years at the time of death on the basis of his postmortem report Ex.P1. As such, future prospects ought to have been added @ 25%. However, learned Tribunal has added future prospects @ 30%. Therefore, compensation awarded to the appellants is already in excess of what is admissible to them as per law. As there were 3 claimants, deduction of 1/3rd towards personal expenses has been correctly made in terms of law as laid down by Hon’ble Supreme Court. As the deceased was 40 years, multiplier of 15 has also been correctly applied. Under the conventional heads, learned Tribunal has awarded Rs.1 lac to the claimant No.1 towards loss of consortium; and Rs.25,000/- towards funeral expenses; thereby awarding total compensation of Rs. 9,04,940/-. The compensation awarded by learned Tribunal is reproduced in the form of table as under:-

Sr. No.	Heads	Calculation
1.	Salary	Rs.5000/- p.m.
2.	30% of (1) above to be added as	[Rs.5000/-+Rs.1500/-]

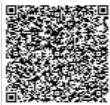


	future prospects	Rs.6500/-
3.	1/3rd of (2) deducted as personal expenses of the deceased as per Sarla Verma’s case (supra)	[Rs.6500/-- Rs.2167/-] Rs.4333/-
4.	Compensation after multiplier of 15 is applied as per Sarla Verma’s case (supra)	[Rs.4367/- x 12 x 15] Rs.7,79,940/-
5.	Consortium (for which petitioner No.1 Smt. Rajbala is exclusively entitled)	Rs.1,00,000/-
6.	Funeral expenses	Rs.25,000/-
	Total compensation awarded	[Rs.7,79,940/- +Rs.1,00,000/- + Rs.25,000/-] = Rs.9,04,940/-

7. As per the recent judgments of the Hon’ble Supreme Court in “Shri Ram General Insurance Co. Ltd. Vs. Bhagat Singh Rawat & Others” Civil Appeal Nos.2410-2412/2023 and “Mehmooda Bee & Others Vs. National Insurance Co. Ltd.” (@ SLP (C) No.16767 of 2022) and “Bebi Giri Vs. National Insurance Co. Ltd.” Civil Appeal No.6551 of 2022, it has been held that total sum of Rs.77,000/- only can be granted under the conventional heads.

8. From the bare reading of the above facts, it is clear that more than just and fair compensation, even in excess of what is admissible to the claimants as per law has already been awarded to them. As such, I find no ground is made out to interfere in the impugned Award dated 23.10.2013.

9. Present appeal accordingly stands **dismissed**.



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

08.05.2025

Divyanshi

(NIDHI GUPTA)
JUDGE

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