

FAO-2780-2016

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

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FAO-2780-2016

Date of decision:10.02.2025

NANKAI AND ORS

...APPELLANTS

VS.

PARMOD AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

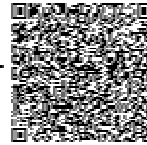
Present: Mr. Gulshan Nandwani, Advocate
for the appellants.

Mr. Lalit Garg, Advocate
for the respondent-Insurance Company.

SUVIR SEHGAL, J.

1. Instant appeal has been filed under the Motor Vehicles Act, 1988, (for brevity “MV Act”) by the legal representatives of Jayaram alias Jairaj-deceased. Appellants have sought enhancement of compensation granted by the Motor Accident Claims Tribunal (for short “the Tribunal”), Rewari vide award dated 21.07.2015.

2. Facts leading to the filing of the appeal are that on 27.01.2014, Jayaram alias Jairaj along with his son Ramesh Kumar and Matroo were travelling on a tractor trolley loaded with bricks. The tractor was being driven by Ramesh Kumar and when they reached Raghav Service Station, Budoli, a bus bearing registration number RJ-32 PA-1725 which was being rashly driven by respondent no.1 struck the trolley from behind. Due to the



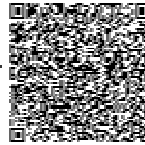
collision, Jayaram fell on the road and was crushed under the tyre of the trolley. He was taken to General Hospital, Rewari, where the doctor declared him brought dead. An FIR bearing No.11 dated 27.01.2014 was lodged under Sections 279 and 304-A IPC at Police Station Khol.

3. Appellants filed a claim petition under Section 166 of the MV Act claiming compensation on account of the accidental death of Jayaram alias Jairaj, which has been partly accepted vide award dated 12.07.2015 and they have been granted compensation of Rs.10,48,000/-. Respondents were jointly and severally liable to make the payment, along with interest @ 6% per annum from the date of filing of the claim petition.

4. I have heard counsel for the parties and have considered their respective submissions.

5. 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 Jayaram alias Jairaj died in the motor vehicle accident. The Tribunal found that respondent No.1 had a valid driver's license Ex.R4 and the offending vehicle was insured under insurance policy Ex.R2 and Ex.R5.

6. Compensation was assessed by assuming the income of the deceased, who was 26 years of age and working as a labourer at a brick kiln, as Rs.6,000/- per month on the basis of prevailing minimum wages at the time of the accident, which does not deserve to be modified. In view of the judgment of the Supreme Court in **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, (2009) 6 SCC 121**, Tribunal has applied a deduction of 1/4th towards personal expenses in the monthly



income, where the number of dependents are 4-6 and applied a multiplier of 17, keeping in view the age of the deceased. Tribunal has not considered future prospects of the deceased.

7. In the light of the principles laid down by the Supreme Court in *Sarla Verma's case (supra)*, *National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680* read with *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 needed to be modified as below:-

Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.6,000/-
2	Future prospects	Rs.2,400/- (40% of Rs.6,000/-)
3	Deduction towards personal expenditure $1/4^{\text{th}}$	Rs.2,100 (Rs.8,400/- X $1/4^{\text{th}}$)
4	Total Monthly Income	Rs.6,300/- (Rs.8,400/ subtract Rs.2,100/-)
5	Multiplier	17
6	Annual dependency	Rs.12,85,200/- (Rs.6,300/- X 12 X 17)
7	Loss of Estate	Rs.18,000/-
8	Funeral expenses	Rs.18,000/-
9	Loss of consortium	Rs.2,40,000/- (Rs.48,000/- payable to each of five dependents)
10	Total compensation	Rs.15,61,200/-
11	Less: Award by MACT	Rs.10,48,000/-
12	Enhancement	Rs.5,13,200/-



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8. Accordingly, the appellants are held to an additional compensation of Rs.5,13,200/-, which shall be payable by the respondents with interest at the rate of 6% per annum from the date of the filing of the claim petition.

9. Appeal is disposed off.

10. As the main appeal has been decided, pending application(s), if any, is/are disposed off.

10.02.2025
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(SUVIR SEHGAL)
JUDGE

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