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

FAO-5910-2014

Date of Order:-27.05.2025

Saroj Kumari and others

...Appellants

Versus

Jai Pal and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Devesh Nehra, Advocate for
Mr. Rakesh Nehra, Senior Advocate
for the appellants.

None for respondents No.1 and 2.

Mr. Sanjeev Kodan, Advocate
for respondent No.3.

SUVIR SEHGAL, J.(ORAL)

1. Instant appeal has been filed under section 173 the Motor Vehicles Act, 1988 (for brevity "MV Act") by the legal representatives of Vijay Kumar- deceased. Appellants have sought enhancement of compensation granted by the Motor Accident Claims Tribunal (for short "the Tribunal"), Rohtak vide award dated 21.11.2013.

2. Facts leading to the filing of the appeal are that on 25.01.2012, Vijay Kumar and Suresh were travelling in a Cruiser Jeep being driven by Vijay Kumar, which smashed into a Truck bearing



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registration no. HR-63-A-8968 wrongly parked on the road near a divider without parking lights or indicators. Both the occupants of Jeep sustained serious injuries and were taken to the PGIMS, Rohtak where they succumbed to their injuries. An FIR No.27, Ex.P8 dated 26.01.2012 under sections 287 and 304A of IPC was lodged at Police Station Sadar, Rohtak. Appellants filed a petition under Section 166 of MV Act claiming compensation on account of the death of Vijay Kumar, which has been partly accepted and they have been granted compensation of Rs.8,93,000/-. Respondents were jointly and severally held liable to pay the same, along with interest @ 7.5% p.a., 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, Tribunal has come to the conclusion that the accident took place on account of wrong parking of Truck by respondent No.1 who was the driver, which resulted in the death of Vijay Kumar. Tribunal found that the driver of the Truck was holding a valid driving license Ex.R1 and the vehicle was insured under insurance policy Ex.R5.

5. Tribunal has erred in assessing the income of the deceased, who was 31 years of age as Rs.6,000/- per month. Jasvir Singh, PW1, who is the employer of deceased, testified that Vijay Kumar was employed as a Driver in New Haryana Suhag Road Lines and was getting a monthly salary of Rs.8,000/- plus daily expenses. So, the monthly income of the deceased is required to be assessed as Rs.8,000/-. The dependency of 1/3rd applied by the Tribunal deserves to be reduced

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to 1/4th as the deceased had four dependents. Tribunal has correctly applied a multiplier of 16, keeping in view the age of the deceased. Tribunal has awarded Rs.25,000/- on account of transportation and funeral expenses and Rs.1,00,000/- granted towards loss of consortium to the claimants of the deceased. These figures require to be modified. However, Tribunal has not considered future prospects of the deceased, which have to be granted at 40% as per settled position.

6. In the light of the guidelines 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 an enhanced award. This court is of the view that head-wise computation of compensation deserves to be modified as below:-

Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.8,000/-
2	Future prospects	Rs.3,200/- (40% of Rs.8,000/-)
3	Deduction towards personal expenditure 1/4	Rs.11,200/- x 1/4
4	Total Monthly Income	Rs.8,400/- (Rs.11,200/- subtract Rs.2,800/-)
5	Multiplier	16
6	Annual dependency	Rs.16,12,800/- (Rs.8,400/- x12 x16)
7	Loss of Consortium	Rs.1,92,000/- (Rs.48,000 x 4)
8	Funeral expenses	Rs.18,000/-
9	Loss of Estate	Rs.18,000/-
10	Total compensation	Rs.18,40,800/-
11	Less: Award by MACT	Rs.8,93,000/-
12	Enhancement	Rs.9,47,800/-



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7. Accordingly, the appellants are entitled to an additional compensation of Rs.9,47,800/-, 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 of.

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

(SUVIR SEHGAL)
JUDGE

27.05.2025

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No