

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-4804-2016 (O&M)

Date of decision: 12.08.2025

Rakhi Devi and others

...Appellant(s)

Vs.

Rakesh Kumar and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. J.P.Sharma, Advocate for the appellants.

Mr. Punit Jain, Advocate for respondent No.3-Insurance Co.

NIDHI GUPTA, J.

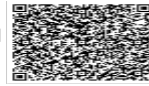
CM-16452-CII-2016

Prayer in this application filed under Section 5 of the Limitation Act is for condonation of delay of 114 days in filing the accompanying appeal.

2. For the reasons mentioned in the application which is supported by an affidavit of the applicant/appellant No.1, the same is allowed and delay of 114 days in filing the accompanying appeal is condoned.

FAO-4804-2016 (O&M)

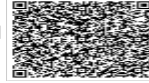
The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.10,59,400/- awarded by the learned Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as "Tribunal") vide Award dated 19.10.2015 passed in MACT Case No. 145 dated 27.10.2014 filed under Section 166 of the Motor Vehicles Act, 1988. The 3 claimants are the widow; and 2 minor sons of deceased Manoj Singh.



2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that deceased-Manoj Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 26.02.2014 due to the rash and negligent driving of a Pick up bearing registration No.HR-61A/0638 (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 above said compensation has been awarded along with interest @ 7.5% p.a. All the respondents are held liable to pay the compensation jointly and severally.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as Rs.5,400/- p.m. It is submitted that as per the relevant Minimum Wage Notification, income of an unskilled labourer was Rs.7,600/- p.m. As such, income of the deceased ought to have been taken as Rs.7,600/- p.m. It is further submitted that nothing has been added by way of future prospects. As per the law laid down by Hon’ble Supreme Court in case of “*Sarla Verma Vs. Delhi Transport Corporation*” **Law Finder Doc ID # 188882**, an addition of 40% was required to be made for future prospects. It is accordingly prayed that the present appeal be allowed; and the impugned Award be modified.

4. Learned counsel for respondent No.3-Insurance Company opposes submissions made on behalf of the appellants and submits that as per the relevant Notification dated 28.02.2014 applicable from 01.01.2014, minimum wages admissible to unskilled labourer were Rs.5,547/-. A copy



of the said Notification is handed over in Court, which is taken on record. A copy thereof is supplied to the counsel opposite. It is further submitted that no ground is made out to enhance the compensation as claimants have already received excessive amount as exorbitant sum of Rs.3,25,000/- has been awarded under the conventional heads. It is accordingly prayed that present appeal be dismissed.

5. No other argument is raised on behalf of the parties.

6. I have heard learned counsel and perused the case file in detail.

7. Upon consideration of the rival submissions made on behalf of both the parties, I find some merit in the submissions advanced on behalf of each of the parties. It has been contended on behalf of the appellants that income of the deceased ought to have been taken as Rs.7,600/- p.m. However, no Notification to support the said assertion has been produced by the appellants. On the other hand, respondent-Insurance Company has produced Notification dated 28.02.2014, as per which, minimum wage admissible to an unskilled labourer was Rs.5,547/-p.m. In view of the minor difference between the income as assessed by learned Tribunal as Rs.5,400/- p.m. and as per Notification dated 28.02.2014, I find no ground is made out re-assess the income of the deceased.

8. As per the judgment of the Hon'ble Supreme Court in ***Sarla Verma (supra)***, future prospects are admissible @ 40%. The said fact has not been denied by ld. counsel for the respondent-Insurance Company. Further, as per the structured formula given by the Hon'ble Supreme Court in "***National Insurance Company Limited vs. Pranay Sethi and others***",

Special Leave Petition (Civil) No. 25590 of 2014 excessive sum of Rs.3,25,000/- awarded under the conventional heads is liable to be modified. Furthermore, as there were 3 claimants, deduction of 1/3rd has been correctly made. As deceased was found to be 30 years of age on the basis of his Post Mortem Report, multiplier of 17 has also been correctly applied.

9. In view of the above discussion, present appeal is **partly allowed**; and compensation awarded to the appellants is modified in the following manner: -

Sr.No.	Details	Before the Tribunal	Revised compensation
1.	Income	Rs.5,400/-	Rs.5,400/-
2.	Future prospects	Nil	40% (5,400 +2,160)=7,560/-
3.	Deduction	1/3rd	1/3rd (7,560-2520)=5,040/-
4.	Multiplier	17	5,040 x17=Rs.85,680/-
5.	Loss of future income	5400 x 12 x 17 x 2/3= Rs.7,34,400/-	85,680 x 12 =Rs.10,28,160/-
6.	Loss of estate	nil	Rs.18,000/-
7.	Funeral expenses	Rs.25,000/-	Rs.18,000/-
8.	Loss of consortium	Rs.1,00,000/-	Rs.48,000/-
9.	Loss of filial consortium	Rs.2,00,000/- (Rs.1,00,000 x 2)	Rs.96,000/- (Rs.48,000/- each)
10.	Total compensation	Rs.10,59,400/-	Rs.12,08,160/-
11.	Enhanced compensation	Rs.12,08,160-Rs.10,59,400 =	Rs.1,48,760/-
12.	Interest	7.5% per annum	6% per annum

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

12.08.2025
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No