



FAO-6073-2015(O&M)

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

**FAO-6073-2015(O&M)
Date of Order:-15.07.2025**

Raj Pati and another

...Appellants

Versus

Mahender Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Vishal Garg, Advocate and
Mr. Ritik Mohindroo, Advocate
for the appellants.

Mr. Nilesh Kant Goyal, Advocate and
Mr. A.S. Virk, Advocate
for respondents No.1 and 2.

Mr. Puneet Jain, Advocate
for respondent No.3 – insurance company.

SUVIR SEHGAL, J.(ORAL)

CM-19259-CII-2015

1. For the reasons given in the application, it is allowed.
2. Delay of 43 days in refiling of the appeal is condoned.

CM-19260-CII-2015

3. Prayer in the application is for condonation of 101 days
delay in filing of the appeal.



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4. Despite notice, no response has been filed on behalf of the respondents.

5. As the appellants have approached this Court seeking enhancement of compensation, this Court is satisfied with the reasons given in the application.

6. Application is allowed.

7. Delay of 101 days in filing of the appeal is condoned.

8. However, appellants shall not be entitled to interest for the delayed period of 101 days.

MAIN APPEAL

9. Instant appeal has been filed under the Motor Vehicles Act, 1988, (for brevity “MV Act”) by the legal representatives of Deepak - deceased. Appellants have sought enhancement of compensation awarded by the Motor Accident Claims Tribunal (for short “the Tribunal”), Bhiwani, vide award dated 13.10.2014.

10. Facts, leading to the filing of the appeal, are that on 11.02.2013, Deepak was travelling on his motorcycle with Suresh as a pillion rider. Rohtash s/o Ruli Ram was following him on a separate motorcycle. A car bearing registration no. HR-19G-4396 rashly driven by Mahender Singh, respondent No.1, collided with motorcycle of Deepak Kumar from behind and the motorcycle hit a tree. Both the motorcyclists fell and Deepak died on the spot. Suresh sustained serious injuries. An FIR No.110 dated 11.02.2013, Ex.P15, under Sections 304-A, 279 and 337 of IPC was lodged at Police station, Sadar Bhiwani on



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the statement of Rohtash. Claimants filed a petition under Section 166 of the MV Act, claiming compensation on death of Deepak and they have been granted compensation of Rs.8,02,600/-. Respondents have been held jointly and severally liable to pay the amount, along with interest @ 6% per annum from the date of filing of the claim petition.

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

12. On the basis of the evidence adduced, Tribunal has come to the conclusion that the accident took place on account of rash and negligent driving of car by respondent No.1 and Deepak lost his life in the vehicular accident. Tribunal found that respondent No.1 had a valid driving license Ex.R3 and offending vehicle was fully insured under insurance policy Ex.R.1.

13. Appellants-claimants have claimed that Deepak was working as a mason and earning Rs.15,000/- per month but they failed to produce any evidence before the Tribunal in order to substantiate their claim. Therefore, this assertion has rightly not been accepted.

14. Tribunal has assessed income of the deceased as Rs.4800/- per month. However, as per the notification of 2013 issued by Government of Haryana, monthly income of an unskilled worker is Rs.5212/-. Accordingly, the income of the deceased is determined at Rs.5,212/- per month. Dependency of 1/2 determined by the Tribunal on account of personal expenses and expenditure does not require any interference as deceased was a bachelor. Tribunal has also correctly



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applied the multiplier of 18 as deceased was 19 years at the time of the accident. Tribunal has granted future prospects, to the tune of 50% which have to be scaled down to 40%. Tribunal has not passed any award for loss of consortium which is to be granted at Rs.48,000/- each, to both the claimants. Tribunal failed to fix any sum under the head of loss of estate which is determined at Rs.18,000/-. Amount of Rs.25,000/- given as funeral expenses by the Tribunal deserves to be reduced to Rs.18,000/-.

15. 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 under conventional heads, future prospects, etc. The court is of the view that head-wise computation deserves to be modified as below: -

Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.5,212/-
2	Deduction towards personal expenditure:1/2	Rs.2,606/- (Rs.5,212/- x 1/2)
3	Future prospects	Rs.1,042/- (40% of Rs.2,606/-)
4	Total Monthly Income (After Deduction + Future Prospects)	Rs.3,648/- (Rs.2,606 /- plus Rs.1,042/-)
5	Multiplier	18



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6	Annual dependency	Rs.7,87,968/- (Rs.3,648/- x 18 x 12)
7	Loss of Consortium	Rs.96,000/- (Rs.48,000/- x 2)
8	Funeral expenses	Rs.18,000/-
9	Loss of Estate	Rs.18,000/-
7	Total compensation	Rs.9,19,968/-
8	Less: Award by MACT	Rs.8,02,600/-
9	Enhancement	Rs.1,17,368/-

16. Accordingly, the appellants are held entitled to an additional compensation of Rs.1,17,368/-, which shall be payable by the respondents with interest at the rate of 7.5% per annum from the date of the filing of the claim petition. However, appellants shall not be entitled to interest on enhanced compensation for a period of 101 days.

17. Appeal is disposed of.

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

(SUVIR SEHGAL)
JUDGE

15.07.2025
Brij

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