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

Date of decision : 11.08.2025

1 **FAO-7103-2015 (O&M)**

Suresh Kumar ...... Appellant

Versus

Mahi Pal & ors. ..... Respondents

2 **FAO-7104-2015 (O&M)**

Murti Devi & ors. ...... Appellants

Versus

Mahi Pal & ors. ..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

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Present :- Mr. Rajesh K.Kataria, Advocate
for the appellant/s.

Mr. Ram Avtar, Advocate
for respondent No.3-Ins. Co.,

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PANKAJ JAIN, J. (ORAL)

1 This order shall dispose off above mentioned two appeals.

2 These two appeals are at the behest of the claimants seeking enhancement of compensation. The appeals arise out of two separate claim petitions pertaining to the same accident. Injured claimant, Suresh Kumar, filed MACT case No.73 of 2014. Tribunal awarded him a compensation of

Rs.50,215/- along with interest at the rate of 7 % per annum simple from the date of filing of the petition till its realization. **FAO No.7103 of 2015** is at his behest seeking enhancement of compensation.

3 Legal heirs of deceased Lahri Singh, who lost his life in the accident at the age of 56 years, preferred MACT case No.71 of 2014. Tribunal awarded them compensation of Rs.10,06,615/-. **FAO No.7104 of 2015** is at their behest seeking enhancement of compensation.

4 Since both the appeals relate to the same accident and arise out of the common award passed by Motor Accident Claims Tribunal, Kaithal, they are being adjudicated by common judgment.

5 There is no dispute with respect to liability and negligence. The only dispute relates to quantum of compensation. Appellant in FAO No.7103 of 2015-Suresh Kumar sustained multiple and grievous injuries including clavicle, scapula and ribs fracture. The injuries have been proved by testimony of Dr.Naveen Bansal, Orthopedic Surgeon, who appeared as PW6. Tribunal awarded an amount of Rs.31,217/- on the basis of medical bills and further amount of Rs.14,000/- under the head of transportation, pain and suffering, special diet and hospitalization.

6 In the considered opinion of this Court, the compensation awarded needs to be enhanced. It has come on record that the injured remained hospitalized for 21 days. Accordingly, the compensation is reassessed as under :-

1	*Medical expenses*	*Rs.36,217/- (on actual basis)*
2	*Transportation*	*Rs.10,000/-*
3	*Pain and suffering*	*Rs.50,000/-*
4	*Special diet*	*Rs.10,000/-*
5	*Hospitalization*	*Rs.20,000/-*

7 The aforesaid amount shall also carry interest @ 7.5% per annum from the date of filing of the claim petition till the date of actual realization.

8 Needless to say, the amount already paid shall be liable to be adjusted and set off.

9 FAO No.7013 of 2015 stands disposed off.

10 While assessing compensation payable to the LRs. of Lahri Singh in **FAO-7104-2015** the Tribunal observed as under :-

> *"27. In the present case, deceased Lahri Singh was Cane Clerk in Kaithal Cooperative Sugar Mill Kaithal and managing the agricultural land. They have examined Yashpal Time Keeper Sugar Mills Kaithal who has proved salary certificate of deceased Lahri Singh as Ex.PA and a perusal of which reveals that the deceased was working as **Clerk (Seasonal)** in the pay scale of Rs.5200-20200 and was drawing Rs.30871/- per month. Thus he was seasonal official only. Although respondent no. 3 has contended that the carry home salary of deceased was Rs.30011/- per month but a perusal of Ex.PA shows that an amount of Rs.860/- was being deducted from his gross salary are towards EPF, WD,LWF and Mandir. Both the counsel for the parties admitted that there is no pension scheme in the Cooperative Sugar Mills. The income of deceased comes out to be Rs.27020/- per month after deducting an amount of Rs.3851/- of MA, HRA and IR. Deceased in the present case was working as clerk (seasonal). Meaning thereby*

he was drawing full pay for a period of six months only in a year and half of pay for remaining six months as he was a Clerk (seasonal). Therefore, income of the deceased is assessed to be Rs.243180/-(27020 X 6 (full pay) plus 13510 (50% of 27020) X 6) for a period of two years only upto the age of his superannuation.

28. The deceased in the present case was about 56 years as is clear from the copy of postmortem Ex.PE. As the deceased has left behind five members of his family, i.e. his wife, daughter aged about 23 years, son aged about 21 years and old aged parents. In the considered opinion of this court, Aman Singh cannot be considered to be dependent as he is a major fellow and might have been earning independently. Therefore, remaining four petitioners are considered to be the dependent of deceased and it is to taken into consideration that he must be spending 1/4 of his income on his personal expenses. Thus after deducting 1/4th i.e. Rs.60795/- of out of annual income of deceased Lahri Singh Rs.243180/- the remaining amount comes to Rs.182385/- per annum for a period of two years. The ends of justice will meet in case multiplier of '2' is applied as the deceased would have retired after two years on attaining the age of superannuation. Therefore after applying the multiplier of 2 the income of deceased will be considered Rs.364770/- upto the age of superannuation. The same is awarded.

The age of deceased is assessed at 56 years at the time of accident and in view of the law laid down in the case of Sarla Verma (Smt.) and others Vs. Delhi Transport Corporation and another, (2009) 6 SCC 121, multiplier of 9 will be applicable in the present. The compensation qua multiplier of '2' for the period the deceased would remain in service has already been awarded to him.

29. Now, the question before this court is that multiplier of which will be applicable after the age of superannuation as admitted during the arguments that there is no provision of pension for the employees of

Cooperative Sugar Mills. The learned counsel for the respondent no.3 contended that after retirement, he be treated as unemployed. However, this court is not agree with this contention of learned counsel for the respondent no.3 as after retirement, no individual will remain sit idle if there is no provision of pension in his department and he will run from pillar to post to earn his livelihood. In the present case, Murti wife of deceased Lahri Singh deposed that her husband was also earning additional income by managing the agricultural land. However, there is no specific evidence led by the claimants. Admittedly at the time of accident, the deceased was working as a clerk in Cooperative Sugar Mills so he falls in the category of skilled labourer and now a days the earning of a skilled labourer Rs.8100/- per month i.e. Rs.97200/- per annum. The learned counsel for the claimants contended that the future prospects should also be considered while awarding the compensation. In support of his arguments, he has relied upon Rajesh and others Versus Rajbir Singh and others 2013 ACJ 1403; wherein it has been held that "whether formula for increase of income for future prospects adopted for persons with permanent jobs in Sarla Verma's case 2009 ACJ 1298 (SC) may also be applied to persons who were self employed or were - engaged on fixed wages. Held yes; 50 percent of actual income (after deducting of tax) for persons below 40 years; 30 percent for age group of 40 to 50 years; 15 percent for age group of 50 to 60 yearly, but no addition thereafter." In the present case the deceased was working as seasonal clerk and managing his agricultural land as well. Therefore, in view of above citation, the claimants are also entitled to 15 percent increase. Accordingly, after adding 15 percent in 8100/- the income of the deceased will come to Rs.9315/- per month i.e. Rs.1,11780/- per annum. After applying the 1/4th cut of dependency the remaining income of the deceased will come to Rs.83,835/- per annum after retirement. After applying the multiplier of '7' as multiplier of '2' has already been awarded to him, the amount comes to Rs.586845/- (83835X7). Thus the total amount comes to Rs.951,615/- (364770+586845) and the same is awarded. Besides the above said *amount, claimant no. 1 is also awarded Rs.15,000/- on account of loss of consortium and Rs.20,000/- on account of last rites and funeral expenses. The claimants are also awarded an amount of Rs.20000/- on account of love and affection."*

11 Lahri Singh was working as Clerk (Seasonal) in Kaithal Cooperative Sugar Mill Kaithal. Admittedly, he was getting full salary for six months and was being paid half of the salary for the remaining six months when the mill was closed.

12 Keeping in view the ratio of law laid down in ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*** and ***Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., 2018(4) RCR (Civil) 333,*** the amount payable to the claimants is reassessed as under :-

Calculation of compensation by taking full monthly income of Rs.27,020/- for 6 months income

SN	***Heads of claim***	***Calculation***
1	*Income*	*Rs.27,020/-*
2	*Income after adding +15% future prospects*	*Rs.31,073/- (Rs.27,020/-+Rs.4,053/-)*
3	*Less 1/4th personal living expenses*	*Rs.23,305/- (Rs.3,1073/- - Rs.7,768/-*
4	*Monthly dependency*	*Rs.23,305/-*
5	*6 months dependency*	*Rs.1,39,830/- (Rs.23305/- x 6)*
6	*Multiplier @9*	*Rs.12,58,470/- (Rs.139830 x 9)*
	Calculation of compensation for 6 months on full income	***Rs.12,58,470/-***

Calculation of compensation by taking half monthly income of Rs.13,510/- for 6 months income

SN	***Heads of claim***	***Calculation***
1	*Income*	*Rs.13,510/-*
2	*Income after adding +15% future prospects*	*Rs.15,536/- (Rs.13,510/-+Rs.2,026/-)*
3	*Less 1/4th personal living expenses*	*Rs.11,652/- (Rs.15,536/- - Rs.3,884/-*
4	*Monthly dependency*	*Rs.11,652/-*
5	*6 months dependency*	*Rs.69,912/- (Rs.11,652/- x 6)*

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6	*Multiplier @9*	*Rs.6,29,208/- (Rs.69,912 x 9)*
	Calculation of compensation for 6 months on half income	***Rs.6,29,208/-***

Total compensation payable = Rs.12,58,470/- + Rs. 6,29,208/-

13 The aforesaid amount shall also carry interest @ 7.5% per annum from the date of filing of the claim petition till the date of actual realization. Needless to say, the amount already paid shall be liable to be adjusted and set off. Enhanced compensation shall be apportioned among LRs of Lahri Singh as ordered by MACT.

14 **FAO-7104-2015** stands disposed off.

15 Pending miscellaneous application, if any, also stands disposed off.

16 Photocopy of this order be placed on the connected file.

(PANKAJ JAIN)
JUDGE

11.08.2025
Pooja Sharma-I

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