

**FAO-965-2014 (O & M) with
XOBJC-140-CII-2014**

-1-

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

241

**FAO-965-2014 (O & M) with
XOBJC-140-CII-2014
Date of decision:10.07.2025**

UNITED INDIA INSURANCE COMPANY LTD

...APPELLANT

VS.

ROSHAN LAL & ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

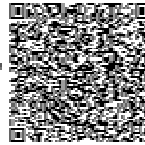
Present: Mr. Paul S. Saini, Advocate for the appellant.

**Mr. R.S. Longia, Advocate
for the respondents/cross-objectors.**

SUVIR SEHGAL, J.

1. This order shall dispose of above noted appeal filed under the Motor Vehicles Act, 1988, (for brevity "MV Act") by the Insurance Company as well as the cross-objections preferred by the claimants-respondents No.1 and 2.

2. Appellant has assailed award dated 27.09.2013 passed by the Motor Accident Claims Tribunal (for short 'the Tribunal'), Kurukshetra, whereby a petition filed by claimants seeking compensation on account of the death of Namdev in a vehicular accident, has been partly accepted, whereas claimants have filed cross-objections seeking enhancement of compensation.



**FAO-965-2014 (O & M) with
XOBJC-140-CII-2014**

-2-

3. Facts, in brief, leading to the filing of the appeal are that on 05.12.2011, Mohit Kumar was driving a motorcycle with Satnam and Namdev, who were riding pillion. A Haryana roadways bus bearing registration No.HR-65-3177, which was being driven carelessly by Arvinder @ Kala, came from the opposite direction and collided with the motorcycle. Mohit Kumar died on the spot, while Satnam and Namdev sustained multiple injuries. Kulwinder Singh, an eye-witness to the accident, shifted the injured to L.N.J.P. Hospital, Kurukshetra, from where they were referred to G.M.C.H. Chandigarh. Satnam Singh died on the same day and Namdev succumbed to his injuries on 30.12.2011. An FIR No. 122 dated 05.12.2011 Ex.P-13 was lodged under Section 279 and 304-A of IPC at Police Station, Babain. Claimants filed a petition under the MV Act, claiming compensation, which has been partly accepted, and they were granted compensation of Rs. 13,09,300/-. The appellants were jointly and severally held liable to pay the amount, along with interest @ 12% 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, besides examining the paper book with their able assistance.

5. By the impugned award, Tribunal decided three claim petitions, preferred by the dependents of all the three motorcycle riders, who expired in the vehicular accident. This award was challenged by the appellant by filing FAO-964-2014 titled as ***United India Insurance Company Limited Vs. Gurmeet Kaur and others***, which has been decided by this Court vide



FAO-965-2014 (O & M) with
XOBJC-140-CII-2014

-3-

judgment dated 14.02.2025. This Court has upheld findings recorded under issues No.1 and 2 that accident was a result of rash and negligent driving of the bus by Arvinder @ Kala. Rejecting the argument of the appellant, it has been held that the deceased motorcycle driver, Mohit Kumar, possessed a valid driving license. The findings affirmed by this Court have become final and are binding. Appellant is not in a position to challenge them. The offending bus was duly registered with the transport authority. It had a route permit and was covered under the insurance policy, Ex.R5.

6. Roshan Lal (PW-3) deposed that the deceased, Namdev, was a student at I.T.I. (Welder Trade) at K.R.N. Polytechnic, Khairi, District Kurukshetra. The admission form Ex.P11 and documents Ex.P12 and Ex.P32, confirm that the deceased was enrolled in the said course. Tribunal assessed the monthly income of the deceased as Rs.10,000/-. The certificate of qualification of Secondary School Examination (Ex.P-15) shows that the deceased had a good academic record and had a bright future. In **V. Mekala v. M. Malathi and another, (2014) 11 SCC 178**, while assessing compensation for a meritorious student with bright prospects, Supreme Court has held that award of a higher notional income is justified. Accordingly, assessment of notional income at ₹10,000/- is proper and does not require any alteration. Since the deceased was a bachelor, 50% has rightly been deducted from the monthly income towards personal and living expenses. Multiplier of 18, as applied by the Tribunal, is also correct, keeping in view that deceased was 22 years of age at the time of accident. Tribunal, however, failed to award future prospects, which are to be granted



FAO-965-2014 (O & M) with
XOBJC-140-CII-2014

-4-

@ 40%. Tribunal has erred in awarding Rs.1 lakh under the head of love and affection. Instead, a sum of Rs.96,000/-, i.e., Rs.48,000/- to each of the two dependents is to be awarded under the head of loss of consortium. Further, an amount of Rs.18,000/- for loss of estate is to be granted and Rs.25,000/- awarded under funeral expenses is to be reduced to Rs.18,000/-.

7. Evidence led by the claimants show that Namdev remained hospitalized after the accident. In his examination-in-chief, Roshan Lal (PW3) deposed that Namdev was admitted at LNJP Hospital, Kurukshetra, and on medical advise, he was admitted in GMCH, Sector 32, Chandigarh, where he remained hospitalized upto 13.12.2011. He was re-admitted in the same hospital on 30.12.2011 due to some complications and unfortunately expired on the same day. Although an amount of Rs.1,00,000/- has been claimed for transportation, medicines, attendant charges, special diet etc., but there is no evidence to support the claim. However, noticing that Namdev remained hospitalized for about 10 days and underwent treatment, this Court is of the view that lumpsum amount of Rs.25,000/- deserves to be granted.

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



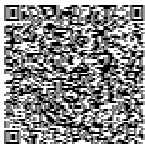
**FAO-965-2014 (O & M) with
XOBJC-140-CII-2014**

-5-

Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.10,000/-
2	Deduction towards personal expenditure 1/2	Rs.5,000/- (Rs.10,000/- x 1/2)
3	Future prospects	Rs.2,000/- (40% of Rs.5,000/-)
4	Total Monthly Income	Rs.7,000/- (Rs.5,000/- plus Rs.2,000/-)
5	Multiplier	18
6	Annual dependency	Rs.15,12,000/- (Rs.7,000/- x 12 x 18)
7	Loss of Estate	Rs.18,000/-
8	Funeral expenses	Rs.18,000/-
9	Loss of consortium	Rs.96,000/- (Rs.48,000/- payable to each of two dependents)
10	Medical and Transportation Expenditure, Attendant Charges, Special Diet etc.	Rs.25,000/-
11	Total compensation	Rs.16,69,000/-
12	Less: Award by MACT	Rs.13,09,300/-
13	Enhancement	Rs.3,59,700/-

9. Accordingly, claimants are held entitled to an additional compensation of Rs.3,59,700/-, which shall be payable to them with interest at the rate of 7.5% per annum, from the date of the filing of the claim petition.

10. Ergo, appeal of Insurance Company is dismissed and cross-objections by claimants are disposed of.



**FAO-965-2014 (O & M) with
XOBJC-140-CII-2014**

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

10.07.2025
sheetal

(SUVIR SEHGAL)
JUDGE

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