

**FAO-756-2016(O&M)****-1-****207****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****FAO-756-2016(O&M)****Date of Order:-10.01.2025**

Satpal Singh and another

...Appellants

Versus

Sukhbir Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL**Present** :- Mr. Munish Behl, Advocate
for the appellants.Ms. Sitanshu Sharma, Advocate
for respondents No.1 and 2 (THROUGH V.C.).Mr. Punit Jain, Advocate
for respondent No.3.

SUVIR SEHGAL, J.(ORAL)

1. Instant appeal has been filed under the Motor Vehicles Act, 1988 by the legal representatives of Mohit - deceased. The appellants have sought enhancement of compensation awarded by the Motor Accident Claims Tribunal (for short "the Tribunal"), Faridabad vide award dated 11.05.2015.

2. Facts leading to the filing of the appeal are that on 01.11.2013, Mohit, along with his friend Deepak, was traveling on a motorcycle and his elder brother, Sonu, was following them on his own bike. A dumper bearing registration No.HR-38S-0227, which was driven by respondent No.1 in a rash and negligent manner, struck their motorcycle and ran over Mohit, who died on the spot. An FIR bearing No.563 dated 01.11.2013 was registered for offences under Sections



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279, 304-A IPC at Police Station Saran, Faridabad. The appellants, who are the parents of the deceased, filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 claiming compensation on account of the accidental death of Mohit, which has been accepted vide award dated 11.05.2015. Appellants have been granted compensation of Rs.4,50,000/-, in equal share and respondents were jointly and severally held liable to pay the same, along with interest @ 7.5% per annum 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, the Tribunal has come to the conclusion that the accident took place on account of rash and negligent driving by respondent No.1 and that Mohit died in the vehicular accident. Tribunal found that the offending vehicle was fully insured under insurance cover note Ex.R2.

5. Compensation was assessed by assuming the notional income of the deceased, who was a bachelor and was 17 years of age, as Rs.15,000/- per annum in view of judgment of Hon'ble Delhi High Court in **Suresh Chander and anr Versus Ram Pal Yadav and others,** 2013 ACJ 1565. The Tribunal applied a multiplier of 15 and assessed the pecuniary compensation amount at Rs.2,25,500/-. The Tribunal also granted Rs.1,00,000 for pain and suffering to the claimants on account of loss of their child, Rs.1,00,000/- for future prospects, and Rs.25,000/- towards funeral expenses.

6. The amount of compensation awarded by the Tribunal deserves to be enhanced as the Tribunal has incorrectly assessed the



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notional income. The notional income deserves to be increased to Rs.5341/- per month as per minimum wages of the year 2013. In **Smt.Sarla Verma and others Versus Delhi Transport Corporation and another (2009), 6 SCC 121**, Supreme Court has laid down the multiplier table. A multiplier of 18 has to be applied when the age group of the deceased is between 15 to 25 years. The Claimants are also entitled to 40% increase for the future prospects as has been held by the Supreme Court in **National Insurance Company Limited Versus Pranay Sethi and others (2017) 16 SCC 680**, besides amount of Rs.44,000/- as consortium to each of the dependents and Rs.18,000/- each towards loss of estate and funeral expenses. By including these amounts, the compensation payable to the appellants works out as under:-

Sr. No.	Heads	Compensation Awards
1	Monthly Income (Notional Income)	Rs.5341/-
2	Deduction towards personal expenditure 1/2nd	Rs.2671 (Rs.5341/- X 1/2 nd)
3	Future prospects	Rs.1068/- (40% of Rs.2671/-)
4	Total Monthly Income	Rs.3739/- (Rs.2671/- add Rs.1068/-)
5	Multiplier	18
6	Annual dependency	Rs.8,07,624/- (Rs.3739/- X 12 X 18)
7	Loss of Estate	Rs.18,000/-
8	Funeral expenses	Rs.18,000/-
9	Loss of consortium	Rs.96,000/- (48000x2)
10	Total compensation	Rs.9,39,624/-
11	Less: Award by MACT	Rs.4,50,000/-
12	Enhancement	Rs.4,89,624/-



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7. Accordingly, the appellants are held to an additional compensation of Rs.4,89,624/-, which shall be payable to the appellants with interest at the rate of 6% per annum from the date of the filing of the claim petition.

8. Appeal is disposed off.

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

(SUVIR SEHGAL)
JUDGE

10.01.2025

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No