IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

237-2 cases.
1. **FAO-7207-2017 (O & M)**
Date of decision:30.01.2025

UNITED INDIA INSURANCE CO. LTD ...APPELLANT

VS.

HARVINDER SINGH & ORS ...RESPONDENTS

2. **FAO-2191-2018**

HARVINDER SINGH & ANR. ...APPELLANTS

VS.

ROHIT GUPTA & ORS. ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Gopal Mittal, Advocate
for the appellant(s) in FAO-7207-2017 &
for respondent No.3 in FAO-2191-2018.

Mr. Suveer Sheokhand, Advocate
for the appellant in FAO-2191-2018 &
for respondents No.1 & 2 in FAO-7207-2017.

Mr. Aayush Gupta, Advocate
for respondents No.1 & 2 in FAO-2191-2018 &
for respondents No.3 & 4 in FAO-7207-2017.

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SUVIR SEHGAL, J.

1. This judgment shall dispose of both the above-noted appeals, which are directed against award dated 04.08.2017 passed by Motor Accident Claims Tribunal, Ludhiana, (for short "the Tribunal). For the sake

of convenience, factual position is being taken from FAO-7207-2017 titled as United India Insurance Company Ltd. Vs. Harvinder Singh and others.

2. Undisputed facts are that on 13.12.2015, Jagdeep Singh, a young man of 24 years of age, was pillion riding a motorcycle driven by Jatinder Singh and was going from Ludhiana to village Sunet. A Skoda car bearing registration No.PB-48D-1300 driven by Rohit Gupta struck the motorcycle from behind and both the motorcycle riders fell on the road. Due to the injuries sustained by them, both of them died at the spot. FIR bearing No.175 dated 13.12.2015 was registered under Sections 279, 304-A, 427, 212, 216, 201 and 120-B, IPC at Police Station Sarabha Nagar, Ludhiana. The offending vehicle was owned by a limited company and insured with United India Insurance Company (appellant herein). Claimants, who are the parents of the deceased, approached the Tribunal with a claim petition and after contest, it has been partly accepted. The Tribunal arrived at the conclusion that the claimants were dependent upon the deceased and that Jagdeep Singh died as a result of rash and negligent driving of Rohit Gupta.

3. Taking into account the age and income of the deceased, dependency of the claimants and the judgments rendered by the Courts, the loss caused to the claimants was assessed at Rs.10,02,000/-. The driver, owner and the insurance company were jointly and severally held liable to make the payment of the compensation amount alongwith interest @ 7.5 % per annum.

4. Mr. Gopal Mittal, counsel for the appellant, has argued that the Tribunal has erred in awarding future prospects @ 50%. He contends that

the deceased was 24 years of age and was employed in a private concern, therefore, the future prospects should have been awarded @ 40%. While opposing the reduction of future prospects, Mr. Suveer Sheokhand, counsel for the claimant has argued that the Tribunal has granted inadequate compensation, which deserves to be enhanced.

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

6. Counsel for the Insurance Company has not been able to persuade the Court to differ with the findings recorded by the Tribunal that the accident was caused as a result of rash and negligent driving of Rohit Gupta. The death of Jagdeep Singh as a result of the accident could not be disputed. An FIR has been registered against the driver for the vehicular accident, which establishes the factum of the accident. Post-mortem, Ex.C8, shows that the death of Jagdeep Singh was a result of the injuries sustained in an accident. Therefore, this Court does not find any reason to interfere with the findings recorded by the Tribunal under issue No.1. It has been established before the Tribunal that the offending vehicle was insured with the appellant and the driver Rohit Gupta was holding a valid driving license, Ex.R-12. He was authorized to drive the car, which was duly registered vide Ex.R-2. Insurance Company, therefore, cannot disown its liability to make the payment of the compensation.

7. From the copy of the voter ID card, Ex.C4 and passport Ex.C5, the Tribunal found that the deceased was 25 years of age when the accident took place. Applying the guidelines laid down by the Supreme Court in ***Smt.***

***Sarla Verma and others Versus Delhi Transport Corporation and another*, (2009) 6 SCC 121**, Tribunal applied a multiplier of 18 and made a deduction of 50% as the deceased was a bachelor. The computation to this extent does not require any alteration. Tribunal has however made an addition of 50% towards future prospects and awarded Rs.25,000/- towards funeral expenses, which deserves to be scaled down. On the other hand, the grant of amount under the head i.e. loss of estate has to be increased to Rs.18,000/-. Compensation deserves to be granted to the claimants for loss of consortium, which has escaped notice of the Tribunal. The monthly income of the deceased has been assessed as Rs.6,000/- per month, while treating the deceased as an unskilled daily wager because the claimants have failed to produce documents regarding his job profile and education qualification. On the basis of the minimum rate of wages payable with effect from 01.09.2015 as determined by the Labour Commissioner, Punjab, vide notification No.ST/7179 dated 05.04.2017, the monthly income of the deceased is determined at Rs.6935/- and the amount payable has to be re-worked.

8. Applying the principles laid down by the Supreme Court in ***Sarla Verma's case (supra)***, ***National Insurance Co. Ltd. Vs. Pranay Sethi*, (2017) 16 SCC 680** and ***Magma General Insurance Co. Ltd. Versus Nanu Ram alias Chuhru Ram and others*, 2018 (18) SCC 130**, this Court is of the view that the head-wise computation of compensation deserves to be modified as below:-

Details	**Compensation Claimed**
Monthly Income	Rs.6,935/-
After Deduction (50%)	Rs.3,467/- (Rs.6,935/- subtract Rs.3,468/-)
Future Prospects	Rs.1387/- (40% of Rs.3467/-)
Total Monthly Income	Rs.4,854/- (Rs.3,467/-+1,387/-)
Multiplier	18
Annual Dependency	Rs.10,48,464/- (Rs.4854/- x 12 x 18)
Loss of estate	Rs.18,000/-
Funeral expenses	Rs.18,000/-
Loss of consortium	Rs.48,000+48,000 =96,000/-
Total compensation	Rs.11,80,464/-
Less: Award by MACT	Rs.10,02,000/-
Enhancement	Rs.1,78,464/-

9. Accordingly, the claimants are held entitled to an additional amount of Rs.1,78,464/-, which shall be payable to them with interest @7.5% per annum from the date of the filing of the claim petition.

10. Both the appeals as well as the miscellaneous applications are disposed off.

30.01.2025 **(SUVIR SEHGAL)**
sheetal **JUDGE**

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