



FAO-10722-2018(O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 15.09.2025

Smt. Maya Devi & Others

...Appellant(s)

Vs.

Dharmaveer & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Monu Sharma, Advocate for
Ms. Sharmila Sharma, Advocate
for the appellants.

Mr. D.K. Prajapati, Advocate
for respondent No.3/Insurance Company.

NIDHI GUPTA, J.

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.18,11,824/- awarded by the Motor Accident Claims Tribunal, Palwal (hereinafter 'the learned Tribunal') vide Award dated 11.04.2018 passed in MACP No.74 dated 11.11.2016 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 8 claimants are the widow, 3 minor children, parents and grandparents of deceased Jagpal Singh, who was 33 years old at the time of accident.

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2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the deceased Jagpal Singh had died due to the injuries suffered by him in the motor vehicular accident that took place on 13.06.2016 at about 11 pm due to the rash and negligent driving of car bearing registration No.HR-51-BG-8183 (hereinafter “the offending vehicle”) by respondent No.1. The offending vehicle was owned by respondent No.2 and insured by respondent No.3. The aforesaid compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable to pay the aforesaid compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side. It was proven on record by leading clear and cogent evidence that the deceased was working as Lab Technician and drawing a salary of Rs.11,500/- per month; apart from Rs.50,000/- by running his Diagnostic Lab. Yet, the income of the deceased has been assessed as only Rs.8,100/- per month, in complete disregard of the above evidence led by the appellants. It is accordingly prayed that the impugned Award be modified.

4. Per contra, learned counsel for respondent No.3/Insurance Company opposes the submissions made on behalf of the appellants and

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submits that the impugned Award suffers from no error and the present appeal accordingly deserves to be dismissed.

5. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in great detail. I find no merit in the submissions made on behalf of the appellants.

6. A perusal of record of the case shows that it was the pleaded case of the appellants that the deceased was working as a Lab Technician. To prove, the appellant had brought on record Appointment Letter of the deceased (Ex.P7) to show that the deceased was appointed as Lab Technician with Gold Field Institute of Medical Sciences and Research, Chhainsa (Ballabgarh) on 09.06.2010 at a monthly salary of Rs.8,000/-. Experience-cum-Relieving Certificate (Ex.P8) of the deceased shows that he had worked there up to 20.03.2016 and was getting salary of Rs.11,905/- per month. However, the said documents Ex.P7 and Ex.P8 were not proved by the appellants in accordance with law. Moreover, no evidence was produced by the appellants with regard to any additional income from any Diagnostic Lab. As such, the learned Tribunal had assessed income of the deceased as Rs.8,100/- per month. Age of the deceased was determined to be 33 years on the basis of his Aadhaar Card (Ex.P9), wherein his date of birth is mentioned as 04.04.1983. Accordingly, addition of 40% was made towards future prospects; and multiplier of 16 has been correctly applied. Further, the



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learned Tribunal has made deduction of 1/5th towards personal and living expenses of the deceased, keeping in mind the fact that there were 8 claimants. However, the learned Tribunal was in error in doing so as the High Court of Madhya Pradesh at Indore has held in “**Dalsingh & Ors. Vs. Mohd. Gulfam & Ors.**” Misc. Appeal No.38 of 2016 reserved on 21.11.2023 pronounced on 22.12.2023, that grandparents and sister of deceased cannot be held to be dependants of the deceased. As such, deduction of 1/4 ought to have been made towards personal expenses.

7. Under the conventional heads, the Tribunal has awarded Rs.15,000/- towards transportation and funeral expenses; Rs.15,000/- towards loss of estate; and Rs.40,000/- towards loss of consortium to claimant No.1/widow. Even though no prayer has been made by the appellants for grant of loss of consortium to the remaining claimants No.2 to 6, however, keeping in view the structured formula enunciated by the Hon’ble Supreme Court, the compensation payable to the appellants is re-assessed as follows:-

Head	Awarded by learned Tribunal	Re-assessed compensation
Monthly income	Rs.8,100/-	Rs.8,100/-
Annual income	Rs.8,100/- x 12 = Rs.97,200/-	Rs.8,100/- x 12 = Rs.97,200/-
Future prospects @ 40%	Rs.97,200/- + Rs.38,880/- = Rs.1,36,080/-	Rs.97,200/- + Rs.38,880/- = Rs.1,36,080/-
Multiplier of 16	Rs.1,36,080/- x 16 = Rs.21,77,280/-	Rs.1,36,080/- x 16 = Rs.21,77,280/-



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1/5 th deduction being unmarried	Rs.21,77,280/- Rs.4,35,456/- Rs.17,41,824/-	- = =	Deduction of 1/4 th Rs.21,77,280/- Rs.5,44,320/- Rs.16,32,960/-	- = =
Loss of estate	Rs.15,000/-		Rs.15,000/-	
Funeral expenses	Rs.15,000/-		Rs.15,000/-	
Loss of consortium	Rs.40,000/-		Rs.40,000/- x 6	=
			Rs.2,40,000/-	
Total	Rs.18,11,824/-		Rs.19,02,960/-	
Interest	7.5%		7.5%	

8. Accordingly, the present appeal is **partly allowed** in above terms.
9. Pending application(s) if any also stand(s) disposed of.

15.09.2025
Sunena

(Nidhi Gupta)
Judge

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