

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 08.12.2025

FAO-15937-2018(O&M)

Smt. Pushpa Rani & Others

...Appellant(s)

Vs.

Bharat Singh & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Karamveer Singh Banyana, Advocate
for the appellants/claimants.

Ms. Pooja Chhabra, Advocate
for respondent No.2/owner of the offending vehicle.

Mr. Sanjiv Pabbi, Advocate
for respondent No.3/Insurance Company.

NIDHI GUPTA, J.**CM-28507-CII-2018**

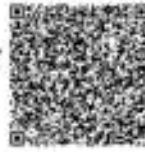
This is an application under Section 5 of Limitation Act for
condonation of delay of 215 days in filing the appeal.

After going through the contents of the application, which is
supported by affidavit of appellant No.2/Meeta w/o late Sh. Deepak Kumar,
the same is allowed subject to all just exceptions and delay of 215 days in
filing the present appeal is condoned.

**MAIN CASE**

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.14,60,068/- awarded by the Motor Accident Claims Tribunal, Panchkula (hereinafter 'the learned Tribunal') vide Award dated 22.09.2017 passed in MACP Case No.127 dated 06.07.2015 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 3 claimants are the 50-year-old mother, 28-year-old widow and three-month-old daughter of deceased Deepak Kumar, who was 30 years old at the time of accident.

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 deceased Deepak Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 18.04.2015 due to the rash and negligent driving of truck bearing registration No.HR-38-P-0159 (hereinafter "the offending vehicle") being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The compensation has been awarded along with interest of 6% per annum. The learned Tribunal had awarded recovery rights against the respondent No.1/driver and respondent No.2/owner of the offending vehicle in view of the fact that at the time of accident, the driver/respondent No.1 was holding two effective Driving Licences.



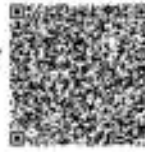
3. Learned counsel for the appellants seeks enhancement of compensation primarily on the ground that nothing has been added towards future prospects. It is submitted that even under the conventional heads, amounts have not been awarded in accordance with law.

4. Per contra, learned counsel for the respondent No.3 very fairly admits that as per law laid down by the Hon'ble Supreme Court, future prospects are liable to be added; and the amounts awarded under the convention heads are required to be modified.

5. On the other hand, learned counsel appearing on behalf of respondent No.2/owner of the offending vehicle vehemently opposes the submissions made on behalf of the appellants and submits that merely because the respondent No.1 was allegedly holding two valid Driving Licences, cannot in any manner be reason to hold the respondent No.2 liable. It is submitted that if the respondent No.1 has done something incorrect in his individual capacity, liability cannot be fastened upon the owner. It is submitted that the present appeal accordingly deserves to be dismissed.

6. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail.

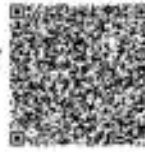
7. I find merit in the submissions advanced on behalf of the appellants. Age of the deceased was proved to be 30 years on the basis of his Matriculation Certificate issued by the Board of School Education, Haryana



(Ex.C6), according to which, his date of birth was 06.06.1984. Hence, on the date of accident i.e. 18.04.2015, the deceased was 30 years old.

8. Furthermore, the claimants had succeeded in proving before the learned Tribunal that prior to the accident, the deceased was employed as a Librarian. The appellants had produced Rajesh Kumar, Accountant as CW3 from Shree Ram Institute of Technical Education, Mouli, Barwala, who had produced Salary Record of the deceased, from which it was established that the deceased was earning Rs.10,000/- per month. Accordingly, the learned Tribunal had taken income of the deceased as Rs.10,000/- per month. However, the learned Tribunal has failed to make an addition towards future prospects. As such, in accordance with law laid down in Constitution Bench judgment of Hon'ble Supreme Court in **"National Insurance Company Ltd. VS. Pranay Sethi & Others"** Law Finder Doc ID # 918174, 40% is to be added towards future prospects. As there were three claimants, deduction of 1/3rd was correctly made; and multiplier of 17 was correctly applied.

9. Under the conventional heads, the learned Tribunal has awarded a lumpsum amount of Rs.1,00,000/-. However, as per the structured formula laid down by the Hon'ble Supreme Court, Rs.44,000/- is liable to be paid to each of the three claimants towards spousal, parental, and filial consortium; along with Rs.16,500/- towards funeral expenses; and Rs.16,500/- towards loss of estate; along with interest @ 6% per annum is



payable. The amount is also to be distributed amongst the claimants as awarded by the learned Tribunal.

10. As regards the liability to pay compensation, the said question shall be considered in the connected appeal bearing FAO-2866-2020 titled as “M/s Ashutosh Logistic Pvt. Ltd. Vs. The Oriental Insurance Company Ltd. & Others” filed by the respondent No.2/owner of the offending vehicle; which has been adjourned today at request of learned counsel for respondent no.2.

11. In the meantime, Respondent No.3/Insurance Company shall release the entire enhanced amount of compensation to the appellants within a period of 8 weeks; whereafter the respondent No.3 shall be liable to pay interest @ 6% per annum to the claimants. Needless to say, recovery rights are granted to respondent No.3 subject to the decision of this Court in connected FAO-2866-2020.

12. In view of the above facts, the present appeal is **allowed**, and compensation awarded to the appellant is re-assessed as follows: -

Details	Before the Tribunal	Re-assessed Compensation as per Law
Monthly income	Rs.10,000/-	Rs.10,000/-
Future prospects	Nil	(40%) Rs.4,000/-
Total income	Rs.10,000/-	Rs.14,000/-
Deduction	(1/3 rd) Rs.3,333/-	(1/3 rd) Rs.4,667/-
Income	Rs.6667/-	Rs.9,333/-
Multiplier	(17) Rs.6,667/- x 12 x 17 = Rs.13,60,068/-	(17) Rs.9,333/- x 12 x 17 = Rs.19,03,932/-
Conventional heads	Rs.1,00,000/-	
Consortium		Rs.44,000/- x 3 = Rs.1,32,000/-



Funeral expenses		Rs.16,500/-
Loss of estate		Rs.16,500/-
Total	Rs.14,60,068/-	Rs.20,68,932/-

13. Pending application(s) if any also stand(s) disposed of.

08.12.2025

Sunena

(Nidhi Gupta)
Judge

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