IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA.

FAO (MV) No. 120 of 2020

Decided on : 28.04.2026

Vasumati & Others ...Appellants

Versus

HRTC and others ...Respondents

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?[1]

For the appellants:	**Mr. Rajesh Kashyap and Mr. Ashil Bhushan, Advocates.**
For the respondents:	**Ms. Sarita Rani, Advocate, vice Mr. Vikas Rajput, Advocate, for respondents No. 1 and 2.**
	None for respondent No. 3.

Virender Singh, Judge (Oral)

The claimants are before this Court, by way of the appeal, which has been filed under Section 173 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the M.V. Act'), against the award dated 12.07.2019, passed by the Court of learned Motor Accident Claims Tribunal, Kinnaur at Rampur Bushahr, District Shimla, H.P. (hereinafter referred to as 'the

[1] Whether the reporters of Local Papers may be allowed to see the judgment?

learned MACT'), in Claim Petition No. 116 of 2017, titled as "Mast Ram and others Versus Himachal Pradesh Road Transport Corporation and others".

2. The appellants are dissatisfied with the award passed by learned MACT, by virtue of which the learned MACT has awarded a sum of Rs. 2,76,000/- along with interest, at the rate of 7% per annum, from the date of filing of the petition, till the date of deposit of awarded amount. The ultimate liability to pay the compensation has been fastened upon respondents No. 1 and 2.

3. For the sake of convenience, the parties to the present *lis*, are, hereinafter referred to, in the same manner, as were, referred to, by the learned MACT.

4. Brief facts, leading to the filing of the present appeal, may be summed up, as under:-

4.1 The claimants have filed the petition, on account of death of their mother Smt. Narayan Dassi, widow of Sh. Mast Ram, who expired in an accident, which took place on 02.04.2010, at place Barogimor, Tehsil Kumarsain, District Shimla, involving bus No. HP06A-7510, owned by

respondents No. 1 and 2 and driven by respondent No. 3. The accident in question had taken place due to the rash and negligent driving, as per the claim set up by the claimants. The information regarding the accident was also given to Police Station Kumarsain. Smt. Narayan Dassi was travelling in the said vehicle. At the time of her death, her age was about 55 years. Her occupation has been pleaded as home-maker and her contribution towards her family has been pleaded as Rs. 15,000/- per month.

5. The claim petition has been contested by the respondents, mainly on the ground that the driver was not negligent and the accident in question had taken place due to the negligence of Narayan Dassi herself, as she had opened the door of the moving bus. As such, a prayer has been made to dismiss the Claim Petition.

6. From the pleadings of the parties, the learned MACT has framed the following issues, vide order dated 19.09.2018:-

1. *Whether the accident in question resulting into death of Smt. Narayan Dassi, the mother of the petitioners was the result of rashness or negligency on the part of respondent No. 3 in driving vehicle bearing registration*

No. HP06-7510 belonging to respondents No. 1 and 2, as alleged? OPP

2. *If issue No. 1 is proved in affirmative, whether the petitioners being dependents of the above named deceased are entitled to claim compensation in the sum of Rs. 30,00,000/- along with interest jointly and severally from respondents, as alleged? OPP*

3. *Whether the above named deceased had opened the door of moving bus and on account of her negligency, the accident resulting into her death had occurred, as alleged? OPR 1 and 2.*

4. *Whether the petition is not maintainable, as alleged? OPR 1 and 2.*

5. *Relief.*

7. Thereafter, the parties to the lis were directed to adduce evidence.

8. After the closure of the evidence, claim petition has been allowed by the learned MACT, vide order dated 12.07.2019, by awarding the amount of compensation, as referred to above.

9. The enchancement of the award has been sought mainly on the ground that the learned MACT has wrongly taken the income of Smt. Narayan Dassi, during her life time as Rs. 4,000/- per month.

10. Admittedly, Smt. Narayan Dassi, was home-maker and considering the fact that the claimants are, although, legal heirs, but, not dependent on Smt. Narayan Dassi, in such situation, the amount of compensation, which has been awarded to the petitioners under the head 'Loss of Income', does not require any interference by this Court. However, in view of the authoritative decision of the Hon'ble Supreme Court in "**National Insurance Company Limited versus Pranay Sethi and others,** reported in **(2017) 16 Supreme Court Cases 680**", the petitioners are entitled for enhancement of the amount of compensation, which was awarded to them under the head 'Loss of Estate'; 'Funeral Expenses'; and 'Loss of consortium'. Petitioners No. 2, 3 and 4, are also entitled for 'Loss of consortium', in view of the decision of Hon'ble Supreme Court in "**Magma General Insurance Company Limited versus Nanu Ram alias Chuhru Ram and others**, reported in **(2018) 18 Supreme Court Cases 130**".

11. In view of the decision of Hon'ble Supreme Court in **Pranay Sethi**'s case (supra), the claimants are held

entitled to the compensation under the conventional heads, namely, 'loss of estate', 'loss of consortium' and 'funeral expenses', which is liable to be enchanced at the rate of 10%, in every three years. The judgment in **Pranay Sehti**'s case was passed on 31.10.2017, whereas, the learned MACT has given lesser amount under the heads 'loss of estate', 'funeral charges', as well as, 'loss of consortium'.

12. Thus, the entitlement of the petitioners, apart from the amount of Rs. 2,56,000/-, which has been awarded on account of 'Loss of Income', the petitioners are held entitled for the following amount:-

(1)	Loss of consortium:	= Rs. 1,56,000/- (Rs. 40,000/- x 3 + Rs. 36,000/-);
(2)	Funeral expenses:	= Rs. 19,500 (Rs. 15,000/- + Rs. 4500/-); and
(3)	Loss of estate:	= Rs. 19,500 (Rs. 15,000/- + Rs. 4500/-).

13. Thus, the petitioners are held entitled to compensation to the tune of Rs. 2,56,000/- + Rs. 1,56,000/- + Rs. 19,500/- + Rs. 19,500/- = Rs. 4,51,000/-.

14. The appeal is accordingly decided by enhancing the amount of compensation from Rs. 2,76,000/- to Rs.

4,51,000/-, along with interest at the rate of 7.5% per annum, from the date of filing of petition, till the realization of amount, from respondents No. 1 and 2. The award passed by the learned MACT is modified in the above terms.

15. Memo of costs be prepared.

16. Pending application(s), if any, are also disposed of. Record be sent back.

(Virender Singh)
Judge

28th April, 2026
(Pramod Kumar)