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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

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Date of decision: 10.02.2026

B.D. TRIVEDI AND ANR.**....Appellants****Versus****STATE OF HARYANA AND OTHERS****...Respondents****CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR**

Present : Mr. Anupam Bhardwaj, Advocate
for the appellants.

Mr. Praveen Kumar, DAG, Haryana.

Mr. Nitin Gupta, Advocate
for respondent No.5-Insurance Company.

YASHVIR SINGH RATHOR. J.(Oral)

1. This appeal has been instituted against the Award dated 30.07.2001 for enhancement of compensation awarded in MACT case No.16/1997 decided by the MACT, Panchkula (**for short “Tribunal”**) in a petition under Section 166 of Motor Vehicles Act, 1988 vide which a sum of Rs.53,000/- has been awarded as compensation to the claimants/appellants alongwith interest at the rate of 9% per annum from the date of filing of claim petition till realization on account of death of Santosh, who was daughter of claimants No.1 and 2 in a motor vehicle accident.
2. The only issue required to be determined in the present appeal relates to the assessment of compensation. Therefore, the entire facts regarding the



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manner of the accident are not required to be reproduced in detail, as the Tribunal has already held under Issue No.1 that the accident occurred due to the rash and negligent driving on the part of driver of offending truck No. PB-12-2117 and insured with respondent No.5. No appeal or cross-objections have been filed by respondents, challenging the said finding and accordingly finding on issue No.1 is not required to be interfered with.

3. From the pleadings of parties, issues were framed and relevant issues are as under:-

“1. Whether the accident dated 29.08.1996 resulting into the deaths of injuries to the several persons was caused due to rash and negligent driving of the Bus No.HR-03-7930 of the Truck No.PB-12-2117 of it was a case of contributory negligence? OPP

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15. Whether the claimant B.B. Trivedi and others are entitled to any compensation on account of death of Santosh Trivedi and if so to what amount and from whom?OPP

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18. Whether the offending truck was being driven by a person having no driving license at the time of alleged accident? OPR

19. Whether the Insurance Company is not liable?OPR

20. Relief. ”

4. Thereafter, the parties led evidence in support of their case.

5. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.53,000/- as compensation to the claimants, on account of death of Santosh along with interest @ 9% per annum from the date of filing of claim petition till realization.

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6. Feeling aggrieved, the appeal in hand has been preferred. The material on file has been perused and parties have been heard.

7. At the very outset, it is pertinent to mention that the record of the appeal as well as the Tribunal has got burnt in a fire incident in the branch and the appeal in hand shall be decided as per facts and evidence mentioned in the award passed by the Tribunal.

8. As per the version of the claimants, the deceased, who was their daughter, was 24 years of age and was employed as a Nursery Teacher in Sukhna Public School, Sector 41, Chandigarh. One of the appellants, namely B.D. Trivedi, while appearing as PW1, has also stated so on oath. He further stated that Santosh was pursuing MA and her salary certificate Ex. P1 has also been tendered alongwith her educational certificates Ex. P4 and Ex. P5. He further deposed that deceased was also doing tuition work and earning about Rs.2,000/- per month. Petitioners also examined one of the teacher of Sukhna Public School namely Aruna Kanda as PW19, who proved the salary certificate Ex. PW19/1. Besides this, petitioners have also examined one Surinder Pal as PW3, who deposed that his two daughters were taking tuitions from the deceased and he was paying Rs.450/- as tuition fee to her.

9. The learned Tribunal after appreciating the evidence, assessed the monthly income of deceased to be Rs.1,000/- per month, which in my opinion is grossly inadequate. The accident took place in August, 1996. Even the minimum wages were around Rs.1500/- per month during those days and since the deceased was a Graduate, she cannot be treated as an unskilled worker and her income cannot be assessed on the basis of minimum wages prevalent in the year 1996. As



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such, some amount of guess work has to be applied, while assessing her income. The testimony of the father of the deceased, PW19-Aruna Kundu, who proved the salary certificate and PW3-Surinder Pal, to whose daughter she was imparting tuitions, also cannot be brushed aside. Therefore, taking into consideration the fact that deceased was a Graduate and pursuing Master of Arts and was also working as a Teacher, she must be earning at least Rs.2,000/- per month and accordingly, her income is taken as Rs.2,000/- per month.

10. Deceased was 24 years of age and was self-employed and as such, 40% amount has to be added to the income of the deceased towards future prospects in view of law laid down by Hon'ble Supreme Court in 2009(6) SCC 121, "***Smt. Sarla Verma and Others Vs. Delhi Transport Corporation and Another***" and 2017 ACJ 2700, '**National Insurance Co. Ltd Vs. Pranay Sethi and Others**' and after adding the same, the monthly income comes to Rs.2800/- per month (Rs.2000/- +Rs.800).

11. Deceased was a bachelor and accordingly, 50% of the earnings have to be deducted towards her personal and living expenses in view of guidelines laid down in ***Sarla Verma's case (supra)*** and after deducting 50% of the earnings towards the personal expenses, the monthly dependency comes out to Rs.1400/- and annual dependency comes out to Rs.16,800/- (Rs.1400 x 12).

12. As per ***Sarla Verma's case (supra)***, multiplier of 18 has to be applied since deceased was 24 years of age as per post-mortem Ex. P5 and after applying the same, the total loss of dependency comes out to Rs.3,02,400/- (rounded to Rs.3,02,000/-).

13. As per law laid down in **Pranay Sethi's case (supra)**, claimant No.2



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i.e. mother is held entitled to a sum of Rs.70,000/- under conventional heads i.e. loss of consortium, loss of estate and on account of funeral expenses. Claimant No.1, who is the father, is also held entitled to a sum of Rs.40,000/- towards consortium in view of law laid down in 2018 (4) R.C.R. (Civil) 333, ‘*Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & Others*’, which takes the compensation to Rs.4,12,000/-.

14. Accordingly, the compensation to be awarded to the appellants is assessed as under:-

S.No.	Under Head	Compensation awarded by the Tribunal	Compensation awarded by the High Court
1.	Monthly income of deceased	Rs.1000/- per month	Rs.2,000/- per month
2.	Age of deceased	24 years	24 years
3.	Future prospects @40%	Nil	Rs.800/-
4.	Total income	Rs.1000/- per month Rs.12,000 per annum	Rs.2,800/- per month Rs.33,600/- per annum
5.	Number of dependents	2	2
6.	Dependency after deduction of personal expenses (50%)	Rs.500/- per month Rs.6,000/- per annum	Rs.1400/- per month Rs.16,800/- per annum
7.	Multiplier	8	18
8.	Total loss of dependency	Rs.48,000/- (Rs.6,000/- X 8)	Rs.3,02,400/- (Rs.16,800 x 18)
9.	Compensation to claimant No.2 for loss of consortium, loss of estate & funeral expenses	Rs.5,000/-	70,000/-
10.	Compensation to claimant No.1 for loss of consortium	Nil	Rs.40,000/-
11.	Total Compensation	Rs.53,000/-	Rs.4,12,400/-



12.	Interest	9%	9%

15. Resultantly, appeal in hand is partly accepted with costs and appellants are held entitled to a sum of Rs.3,59,400/- (Rs.4,12,400/- - Rs.53,000/-), which is rounded to Rs.3,60,000/- as enhanced compensation over and above the compensation awarded by the Tribunal alongwith interest at the rate of 9% per annum from the date of filing of claim petition i.e. 21.04.1997 till realization payable by owner-cum-driver and insurer of truck No. PB-12-2117 jointly and severally as already ordered by the Tribunal. Since, claimant No.1, who was the father of deceased has died during the pendency of appeal, the enhanced amount of compensation shall be payable to claimant No.2 i.e. mother of the deceased.

16. Registry is directed to email the authenticated copy of the award to the respondent Insurance Company in terms of direction issued by the Hon’ble Supreme Court in Writ Petition (Civil) No.534 of 2020 titled **Bajaj Allianz General Insurance Company Versus Union of India and others**, decided on 16.03.2021 and Insurance Company shall comply with the directions as issued under Clause (F) of the said judgment.

10.02.2026
amandeep

Whether speaking/reasoned.
Whether Reportable.

(YASHVIR SINGH RATHOR)
JUDGE

: Yes/No
: Yes/No