IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-5193-2023(O&M)
Date of decision: 07.05.2026

Smt. Sunita & Others

...Appellant(s)

Vs.

Satbir (since deceased) through LRs & Ors.

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Mohit Kakkar, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.3.

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NIDHI GUPTA, J.

CM-17652-CII-2023

This is an application under Section 5 of Limitation Act for condonation of delay of 63 days in filing the appeal.

After going through the contents of the application, which is supported by affidavit of the appellant No.1, the same is allowed subject to all just exceptions and delay of 63 days in filing the present appeal is condoned.

MAIN CASE

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.3,79,000/- awarded by the Motor Accident Claims Tribunal, Sonipat (hereinafter 'the learned Tribunal') vide

Award dated 11.04.2023 passed in MACP No.117 of 2019 filed under Section 163-A of Motor Vehicles Act (hereinafter "the Act"). The 3 appellants are the 41-year-old widow, 28-year-old daughter and 76-year-old mother of deceased Ashok Sharma, who was 42 years old at the time of accident.

2. Brief facts of the case are that the ld. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the deceased Ashok Sharma had died in a motor vehicular accident that took place on 19.11.2018 due to use of Bolero bearing registration No.DL-01-LV-2610 (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 @ 7.5% per annum. Respondents were held jointly and severally liable to pay the compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that at the time of accident, age of deceased was 39 years old and not 42. Deduction should have been 1/4th and not 1/3rd. multiplier of 15 was to be applied instead of 14. Transportation expenses should have been awarded. Loss of estate should be awarded of Rs.1 lakh; loss of consortium should be awarded of Rs.1 lakh; and Rs.15,000/- ought to have been awarded towards funeral expenses. Interest of 12% should have

been applied. It is accordingly prayed that the present appeal be allowed and impugned Award be modified.

4. Per contra, learned counsel for the respondent No.3 opposes the submissions advanced on behalf of the appellants and submits that the impugned Award suffers from no error; and the present appeal 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 detail.

6. Perusal of record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that prior to the accident, the deceased was working as a labourer with a Contractor and earning Rs.3300/- per month. Accordingly, the learned Tribunal had taken income of the deceased as Rs.3300/- per month.

7. Age of deceased was determined to be 42 years at the time of accident, on the basis of his Post-Mortem Report (Ex.P3). The learned Tribunal had accordingly correctly applied multiplier of 14. As there were three claimants, deduction of 1/3rd has also been correctly made.

8. Under the conventional heads, the learned Tribunal has awarded Rs.2000/- towards funeral expenses; Rs.5,000/- towards loss of consortium; and Rs.2500/- towards loss of estate; thereby awarding total compensation of Rs.3,79,000/-. However, it is my view that the amounts awarded under the conventional heads are liable to be enhanced.

9. It cannot be disputed that in a Claim Petition filed under Section 163-A of the Act, the claimants are only required to prove the involvement of the offending vehicle in the accident in question; and the compensation has to be paid as per the structured formula stipulated in the Second Schedule to the Act.

10. Reference judgment of this Court in **Tata AIG General Insurance Co. Ltd. v. Jasbir Singh, (Punjab and Haryana) : Law Finder Doc ID # 2224117;** wherein it is held that:-

> *"Compensation under Section 163-A of Motor Vehicles Act, 1988 should strictly adhere to the structured formula stipulated under Schedule-II of the Act, including deductions for personal expenses, prescribed limits for funeral expenses, loss of estate, and consortium.*
> *A. Motor Vehicles Act, 1988 Section 163-A Compensation payable under structured formula - Tribunal must follow Schedule-II of the Act - Deduction for personal expenses must be applied - Prescribed limits for heads like funeral expenses, loss of estate, and consortium must not be exceeded - Maximum compensation in case of death cannot exceed Rs.5,00,000/-."*

11. Reliance may be placed upon judgment of this Court in **Farrukh v. Sale Khan, (Punjab and Haryana) : Law Finder Doc ID # 2224013,** wherein while placing reliance upon judgment of the Hon'ble Supreme Court in **Kurvan Ansari alias Kurvan Ali v. Shyam Kishore Murmu (SC) : Law Finder Doc ID # 1911276,** it has been held that:-

> *"3. Learned counsel for the appellants seeks enhancement of the compensation amount on the ground that the learned Tribunal*

has merely awarded a lumpsum payment of Rs.1,20,000/-. It is submitted that even no multiplier has been applied and nothing has been granted under any of the conventional heads. Learned counsel relies upon judgment of Hon'ble Supreme Court in Civil Appeal No.6902 of 2021 titled as "Kurvan Ansari @ Kurvan Ali & Another v. Shyam Kishore Murmu & Another".

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10. It is undisputed that in a petition under Section 163-A of the Act, the Scheme/structured formula as contained in Schedule-II of the Act, has to be followed, whereunder inter-alia, compensation in a death case cannot exceed Rs. 5 lacs......."

12. Accordingly, in view of the above discussion, the compensation payable to the appellants is re-assessed as follows:-

Head	**Awarded by learned Tribunal**	**Re-assessed compensation**
Monthly income	Rs.3300/-	₹3300/–
Annual income	Rs.39,600/-	₹39,600/–
Deduction	(1/3rd) Rs.13,200/-	1/3; ₹13,200/–
Multiplier	(14) Rs.3,69,600/-	14; ₹3,69,600/–
Funeral expenses	Rs.2000/-	₹5,400/–
Loss of consortium	Rs.5000/-	₹1,20,000/–
Loss of estate	Rs.2500/-	₹5000/–
Total	**Rs.3,79,000/-**	**₹5 lakhs**
Interest	7.5% p.a.	7.5% per annum

13. In view of the above, present appeal stands **allowed;** and compensation of Rs.5 lakh is awarded to the appellants.

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

07.05.2026 **(Nidhi Gupta)**
Sunena **Judge**

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

SUNENA
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I agree to specified
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