IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6039-2024 (O&M)
Date of Decision: 17.02.2026

Monika Sharma and another ....Appellants

V/s

Hathi Ram and others ….Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Ms. Ekta Thakur, Advocate and
Ms. Kulwinder Kaur, Advocate, for the appellants.

Mr. Raj Kumar, Advocate, for respondent No.3-Insurance Co.

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VIKRAM AGGARWAL, J. (ORAL)

The instant appeal has been preferred by the claimants, who are the parents of one Tamanna Sharma (since deceased), seeking enhancement in compensation awarded to them by the Motor Accident Claims Tribunal, Chandigarh (for short “the MACT”) vide award dated 29.08.2024 passed in a claim petition instituted under Section 166 of the Motor Vehicles Act, 1988 (for short “the MV Act”) on account of death of Tamanna Sharma, who expired in a motor vehicular accident which took place on 13.05.2018.

2. The case of the claimants was that on 13.05.2018, at about 6:30 A.M., Tamanna Sharma was travelling as a pillion rider on a scooty bearing registration No.HR-51-AN-9796, which was being driven by one Tojo K. Thomas, coming from the side of Jaipur. When the said scooty reached near NH-8, a vehicle moving ahead suddenly applied brakes. In order to avoid a collision, the driver of the scooty also applied brakes and attempted to steer the scooty towards the side of the road. However, at that moment, a trolla bearing registration No.RJ-01-GA-9273 (hereinafter referred to as “the offending vehicle”) was found parked on the metalled road without any indicator, warning signs or parking lights. As a result of the same, the

scooty, which was being driven at a normal speed, collided from behind with the wrongly parked trolla, due to the negligence of its driver (respondent No.1-Hathi Ram). As a result of the impact, both the rider and the pillion rider, along with the scooty, fell on the road and sustained multiple injuries on vital parts of their bodies. The driver of the offending trolla fled from the spot along with the vehicle towards Delhi. Both the riders were taken to Rewari Hospital. Tamanna Sharma succumbed to the injuries caused in the accident.

3. FIR No.207, dated 13.05.2018 was registered at Police Station Dharuher, District Rewari under Sections 279, 304A and 427 IPC.

4. It was averred that Tamanna Sharma (since deceased) was a Software Engineer, aged 26 years at the time of her death. She was working with eCIFM Solutions India Pvt. Ltd. on probation and was earning Rs.22,000/- per month. It has been averred that upon successful completion of the probation period, she would have been regularized with a substantially higher salary, stated to be approximately Rs.70,000/- per month. Due to the untimely death of Tamanna Sharma, the claimants have suffered loss of dependency. Accordingly, a sum of Rs.75,00,000/- was claimed as compensation along with interest @ 24% per annum from the date of accident till its realization.

5. The driver of the offending vehicle (respondent No.1) filed his written statement and denied the factum of the accident.

6. The owner of the offending vehicle did not appear and was proceeded against *ex parte*.

7. The insurance company raised its usual defences in the written statement and denied the factum of the accident.

8. From the pleadings of the parties, following issues were framed:

"1. Whether deceased Tamanna Shamra died in a motor vehicular accident which took place on 13.05.2018 at about 6.30 A.M., due to rash and negligent driving of Truck No.RJ-01-GA-9273 by respondent No.1? OPP

2. Whether the claimants are entitled to compensation on account of death of Tamanna Sharma? If yes, from whom and to what extent?OPP

3. Whether the driver of the offending vehicle was not holding a valid driving license at the time of accident and has violated the terms and conditions of the insurance policy? If so, its effect.OPR

4. Whether the claim petition is not maintainable ?OP

5. Relief."

9. Parties led their respective evidence.

10. After considering the evidence led on the record of the case, a finding was recorded by the MACT that the accident as a result of which Tamanna Sharma had expired had taken place on account of rash and negligent driving of the driver of the offending vehicle. The age of Tamanna Sharma was assessed as 26 years. Her income was assessed as Rs.21,100/- per month and the following compensation was awarded:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	26 years
2.	Income of the deceased	Rs.21,100/- per month Rs.2,53,200 annual income
3.	Future Prospects @ 40%	Rs.8440/- per month Rs.1,01,280/- annually Total income Rs.3,55,480/-
4.	50% deduction towards personal expenses	Rs.1,77,240/- (Rs.3,54,480-Rs.1,77,240/-)
5.	Total income	Rs.1,77,240/- per annum
6.	Applied multiplier of '17'	**Rs.30,13,080/-** (Rs.1,77,240/- x 17)
7.	Claimant No.1 (under conventional heads)	Rs.84,000/-
8.	Filial consortium to claimant No.2	Rs.48,000/-
Total Compensation		**Rs.31,45,080/-**

11. I have heard learned counsel for the parties.

12. Learned counsel for the appellants submits that the MACT

rightly assessed the income of the deceased but erroneously awarded the future prospects @ 40%, whereas, considering the age of the deceased, it should have been @ 50% of the assessed income. In so far as the multiplier is concerned, it has been submitted that the age of the deceased was less than 26 years at the time of the accident and, therefore, the multiplier would be '18' instead of '17' in terms of the law laid down by the Hon'ble Apex Court in the case of ***Smt. Sarla Verma and others vs. Delhi Transport Corporation and another*, (2009) 6 SCC 121** and ***National Insurance Company Limited vs. Pranay Sethi and others*, (2017)16 SCC 680.** Still further, learned counsel submits that compensation on account of loss of estate and filial consortium also deserves to be granted in terms of the law laid down by the Hon'ble Apex Court. It has been submitted that the filial consortium would be @ Rs.48,400/- for each dependant (for the father and the mother).

13. On the contrary, learned counsel representing respondent No.3-insurance company submits that there is no illegality in the Award and the compensation was rightly assessed by the MACT. However, as regards the compensation awarded on account of filial consortium and loss of estate and for funeral expenses, learned counsel has not been able to deny that the same deserves to be enhanced.

14. I have considered the submissions made by learned counsel for the parties.

15. There is no challenge to the Award by either side on the issue of negligence and only enhancement in compensation is claimed. Concededly, the deceased was a Software Engineer working in a private company. The monthly income of the deceased was assessed as Rs.21,100/- per month. However, while assessing the income of the deceased, the MACT did not add future prospects correctly to the assessed income of the deceased in

terms of the law laid down in the case of **Pranay Sethi** (supra). The salaries of Software Engineers see a steep rise as they gain experience. Under the circumstances, future prospects @ 50% also deserve to be added to the assessed income of the deceased. In so far as the multiplier is concerned, the date of birth of the deceased was 05.12.1992 and the accident took place on 13.05.2018, meaning thereby, she was less than 26 years old at the time of accident. Accordingly, keeping in view the ratio of law laid down by the Hon'ble Apex Court in the cases of **Sarla Verma** and **Pranay Sethi** (supra), the multiplier would, therefore, be of '18' and not '17'. Further, a sum of ₹48,400/- to each of the claimants is required to be awarded on account of filial consortium. Still further, for funeral expenses and loss of estate, Rs.18,150/- under each head is also required to be awarded.

16. Having considered the submissions made by learned counsel for the parties, the compensation is assessed as under, keeping in mind the principles enunciated by the Hon'ble Supreme Court of India:-

Sr. No.	Heads of Claim	Awarded by the MACT	Enhanced Compensation
1.	Age of the deceased	26 years	25 years
2.	Income of the deceased	Rs.21,100/- per month Rs.2,53,200 annual income	Rs.21,200/- P.M. (no change)
3.	Future Prospects	Rs.8440/- per month Rs.1,01,280/- annually Total income Rs.3,55,480/-	Rs.10,600/- (adding Future prospects @ 50%) Total Income Rs.31,800/- per month
4.	50% deduction towards personal expenses	Rs.1,77,240/- (Rs.3,54,480- Rs.1,77,240/-)	Rs.15,900/- (after subtracting deductions @ 50%) (no change)
5.	Total Annual Income	Rs.1,77,240/-	Rs.1,90,800/-
6.	Multiplier	**Rs.30,13,080/-** (Rs.1,77,240/- x	**Rs.34,34,400/-** (after applying

		17)	multiplier of '18') (Rs.1,90,800/- x 18)
7.	Claimant No.1 (under conventional heads)	Rs.84,000/-	
8.	Filial consortium to claimant No.2	Rs.48,000/-	
9.	Filial consortium		Rs.96,800/- (Rs.48400/- each to both parents)
10.	Loss of Estate		Rs.18150/-
11.	Funeral Expenses		Rs.18150/-
Total compensation		**Rs.31,45,080/-**	**Rs.35,67,500/-**

17. The total compensation, therefore, comes to Rs.35,67,500/-. After deducting a sum of Rs.31,45,080 as assessed by the MACT, the balance compensation comes to **Rs.4,22,420/-**. This amount would be payable in addition to the amount assessed by the learned MACT along with interest @ 7.5% annually. The disbursal and liability to pay the same would be as per the award.

18. The present appeal is accordingly disposed of.

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

(VIKRAM AGGARWAL)
JUDGE

February 17, 2026
vcgarg

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No