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

FAO-6394-2013

Date of Order:-04.03.2025

Ali Mohd. And others

...Appellants

Versus

Imran and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL**Present** :- Mr. Ashish Gupta, Advocate
for the appellants.Mr. Punit Jain, Advocate
for respondent No.3.

SUVIR SEHGAL, J.(ORAL)

1. Instant appeal filed under section 173 of the Motor Vehicles Act, 1988 (for brevity "MV Act") by the legal representatives of Jamila- deceased. Appellants have sought enhancement of compensation granted by the Motor Accident Claims Tribunal (for short "the Tribunal"), Nuh vide award dated 01.04.2013.

2. Facts, in brief, leading to the filing of the appeal are that on 10.02.2011, Jamila was pillion riding a motorcycle driven by her son, Naseem. When they reached near Sadik Nagar Nuh, a vehicle Tata 407 bearing registration no. HR-39-A-3981 which was being carelessly



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driven by Imran- respondent No.1, hit the motorcycle. As a result of the accident, Jamila sustained multiple injuries and was taken to CHC, Nuh, where she succumbed to the injuries. An FIR No.62 dated 10.02.2011 was lodged under section 279, 304-A IPC at Police Station Nuh. Appellants filed a petition under Section 166 of the MV Act claiming compensation on account of the death of Jamila, which has been partly accepted vide award dated 01.04.2013 and they have been granted compensation of Rs.3,27,000/-. Respondents have been jointly and severally held liable to pay the compensation, along with interest @ 6% p.a., from the date of filing of the claim petition.

3. I have heard counsel for the parties and have considered their respective submissions.

4. On the basis of the evidence adduced, Tribunal has come to the conclusion that the accident took place on account of rash and negligent driving of offending vehicle by respondent No.1, which resulted in the death of Jamila. Tribunal found that respondent No.1 had valid driving license Ex.R2, its verification report is Ex.R3 and the offending vehicle was insured under insurance policy Ex.R1.

5. Compensation was assessed by assuming the notional income of the deceased, who was 46 years old housewife, as Rs.3,000/- per month, for her contribution in the household work. Deceased has to be treated as a labourer for assessing her income. The minimum wage notified by the Government of Haryana for the year 2011 for unskilled labour was Rs.4,503/- p.m. So, the monthly income of the deceased is determined as Rs.4,503/- p.m. The dependency of 1/3rd applied by the



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Tribunal towards personal expenses, deserves to be accordingly reduced to 1/5th as deceased had seven dependents. Tribunal has correctly applied a multiplier of 13, keeping in view the age of the deceased. Tribunal has considered future prospects of the deceased as 25%, which does not require any alteration. Award of Rs.10,000/- in respect of funeral expenses and Rs.5,000/- for transportation of the dead body has to be increased in view of the settled legal position. Tribunal has not awarded any compensation on account of loss of consortium to the claimants, which has to be granted.

6. In the light of the principles laid down by the Supreme Court in *Smt. Sarla Verma and others versus Delhi Transport Corporation and another (2009) 6 SCC 121*, *National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680* and *Magma General Insurance Co. Ltd. Versus Nanu Ram alias Chuhru Ram and others, 2018 (18) SCC 130*, claimants are entitled to award under conventional heads, for future prospects etc. This Court is of the view that head-wise various computation of compensation deserves to be modified as below:-

Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.4,503/-
2	Deduction towards personal expenditure 1/5th	Rs.901/- (Rs.4,503/- x 1/5)
3	Future Prospects	Rs.901/- (Rs.3,602/- x 25%)
4	Total Monthly Income	Rs.4,503/- (Rs.3,602/- + Rs.901/-)
5	Multiplier	13
6	Annual dependency	Rs.7,02,468/- (Rs.4,503/- x 12 x 13)
7	Loss of Consortium	Rs.2,40,000/- (48,000 x 5)
8	Funeral expenses	Rs.18,000/-
9	Loss of Estate	Rs.18,000/-
10	Total compensation	Rs.9,78,468/-



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11	Less: Award by MACT	Rs.3,27,000/-
12	Enhancement	Rs.6,51,468/-

7. Accordingly, the appellants are held to an additional compensation of Rs.6,51,500 (rounded off), which shall be payable to the appellants with interest at the rate of 6% per annum, from the date of filing of the claim petition.

8. Appeal is disposed off.

9. As the main appeal has been decided, pending application(s), if any, is/are disposed off.

(SUVIR SEHGAL)
JUDGE

04.03.2025

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No