



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-976-2016

Date of Decision:13.08.2025

Smt. Rashmi and others

...Appellants

Versus

Chandvir and others

...Respondents

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present: - Mr. Kulvir Narwal, Advocate for the appellants.

Ms. Manvi Verma, Advocate for
Mr. Rajneesh Malhotra, Advocate
for respondent No. 3-Insurance Company.

NIDHI GUPTA, J.

1. The appellant-claimants have filed the present appeal seeking enhancement of the compensation amount of ₹14,35,000/- awarded by the learned Motor Accident Claims Tribunal, Jhajjar (for short-‘the learned Tribunal) vide Award dated 25.05.2015, passed in MAC Petition No. 05 of 2014 dated 02.08.2014 filed under Section 166 of the Motor Vehicles Act, 1988. The 03 claimants are the: i) 23 year old widow; ii) minor son; and iii) mother of deceased Vikas who was 32 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that deceased-Vikas, had died in a motor vehicular accident that took place on 10.05.2014 due to rash and negligent driving of Bolero Jeep No. HR-16-L-2115 (hereinafter referred to as ‘the offending vehicle’) by respondent No.1-Chandvir; owned by respondent No. 2-Jai Narain; and insured by



respondent No. 3-Insurance Company. Ld. Tribunal awarded compensation as above along with interest @ 7.5% per annum from the date of filing the claim petition till actual realization. Respondents No. 1 to 3 were held liable to pay the amount of compensation jointly and severally. The amount of compensation is apportioned amongst the claimants as under:-

1. Smt. Rashmi, widow	50%
2. Rikshit, minor son	35%
3.Smt. Raj Bala, mother	15%

3. Learned counsel for the appellants seeks enhancement of compensation on the ground that it was proven on record that deceased- Vikas was working as Clerk in Indo American School, Delhi Road, Jhajjar and was earning ₹18,000/- per month. In order to prove the income of the deceased, the claimants have produced the salary certificate Ex.P-3; and also the Attendance Register Ex. P-1 and P-2; which documents were duly proved by PW-1 Uday Raj, Clerk of Indo American School, Delhi Road, Jhajjar. It is submitted that despite that income of the deceased has been taken as only ₹10,000/- per month by the learned Tribunal, while ignoring the above said evidence.

4. It is further submitted that the compensation awarded to the claimant also deserves to be enhanced on account of the fact that nothing has been awarded towards future prospects. It is accordingly prayed that the impugned Award be modified and the compensation granted to the appellants be enhanced.

5. Learned counsel for respondent No. 3-Insurance Company submits that the compensation has already been awarded in excess as the



multiplier of 17 has been applied; whereas keeping in view the fact that the deceased was 32 years old at the time of accident, the learned Tribunal ought to have applied the multiplier of 16. It is accordingly prayed that the present Appeal be dismissed.

6. No other argument is raised on behalf of the parties.

7. I have heard learned counsel and perused the case file in detail. I find some merit in the arguments advanced on behalf of both the parties.

8. In order to prove the income of the deceased, the claimants have produced salary certificate Ex. P-3 (at page No. 47 of the record of learned Tribunal); and also the Attendance Register of the deceased as Ex. P-1 and Ex. P-2 (at page Nos. 43 and 45 of the record of learned Tribunal, respectively). However, perusal of the said documents at page Nos. 43 and 45 of the record of learned Tribunal shows that the same do not bear the stamp of the school where the deceased was stated to be working as Clerk. This fact has been admitted by PW-1 Uday Raj, Clerk in his testimony at page 81 of the record of learned Tribunal. Even no letter of appointment, joining report etc. was produced by the claimants, or by PW-1 Uday Raj, Clerk. Therefore, the above said evidence cannot be relied upon. Moreover, the claimants had not brought on record any pass-book, bank account statement or Income Tax Return of the deceased to prove that he was earning ₹18,000/- per month. In this view of the matter income of the deceased was correctly assessed by the Tribunal as ₹10,000/- per month.



9. It has further been submitted by learned counsel for the appellant-claimants that the learned Tribunal has awarded nothing towards future prospects. No doubt, as per law laid down by the Hon'ble Supreme Court in *Sarla Verma vs. Delhi Transport Corporation, Law Finder Doc Id # 188882*, the learned Tribunal ought to have added 40% towards future prospects in the income of the deceased.

10. Further, as there were 03 claimants, the learned Tribunal has correctly made deduction of 1/3rd towards personal expenses. Under the Conventional Heads, the Tribunal had awarded a sum of ₹25,000/- towards funeral expenses; ₹25,000/- towards loss of love and affection; ₹25,000/- to claimant No. 1/widow of the deceased towards loss of consortium; thereby awarding ₹75,000/- under the conventional heads. Thus, the ld. Tribunal awarded total compensation of ₹14,35,000/- along with interest @ 7.5% per annum from the date of filing the petition till realization.

11. I also found merit in the submission of learned counsel for respondent No. 3-Insurance Company that as age of the deceased was 32 years at the time accident, therefore, multiplier of 16 is to be applied; whereas the learned Tribunal had applied the multiplier of 17.

12. In view of the discussion above, the present appeal is **partly allowed**, and the compensation awarded to the appellant/claimants is re-assessed as under:-

Details	Before the Tribunal	Revised compensation
Income	₹10,000/- per month or ₹1,20,000/- per annum	₹10,000/- per month or ₹1,20,000/- per annum



Future prospects	None	40% ₹1,68,000/-
Deduction	1/3 rd = ₹80,000/- per annum	1/3 rd = ₹1,12,000/- per annum
Age and Multiplier	Age 32 M-17	Age 32 M-16
Loss of dependency	₹80,000/- x 17 = ₹13,60,000/-	₹1,12,000/- x 16 = ₹17,92,000/-
Consortium Loss of love and affection to children/child	₹25,000/- ₹25,000/-	₹48,000/- x 3 = ₹1,44,000/-
Funeral expenses	₹25,000/-	₹18,000/-
Loss of Estate	None	₹18,000/-
Total compensation	₹14,35,000/-	₹19,72,000/-
Interest	7.5% per annum	6%
Revised amount of compensation to be paid to the claimants	₹19,72,000/- - Rs. 14,35,000/- = ₹5,37,000/-.	

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

13.08.2025
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(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned Yes/No

Whether Reportable Yes/No