



FAO-6112-2014

-1-

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

223-2.

FAO-6112-2014

Date of decision:27.05.2025

ANN KAUR AND ORS

...APPELLANTS

VS.

JAI PAL AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Devesh Nehra, Advocate for
Mr. Rakesh Nehra, Senior Advocate
for the appellants.

None for respondents No.1 and 2.

Mr. Sanjeev Kodan, Advocate
for respondent No.3.

SUVIR SEHGAL, J.

1. Instant appeal has been filed under section 173 the Motor Vehicles Act, 1988 (for brevity "MV Act") by the legal representatives of Suresh- deceased. Appellants have sought enhancement of compensation granted by the Motor Accident Claims Tribunal (for short "the Tribunal"), Rohtak vide award dated 21.11.2013.

2. Facts leading to the filing of the appeal are that on 25.01.2012, Vijay Kumar and Suresh were travelling to their village in a Cruiser Jeep being driven by Vijay Kumar, which smashed into a Truck bearing registration No.HR-63-A-8968 wrongly parked on the road near the divider without parking lights or indicators. Both the occupants of Jeep sustained



FAO-6112-2014

-2-

serious injuries and were taken to the PGIMS, Rohtak where they succumbed to their injuries. An FIR No.27, Ex.P8, dated 26.01.2012 under Sections 287 and 304-A of IPC was lodged at Police Station Sadar, Rohtak. Appellants filed a petition under Section 166 of MV Act claiming compensation on account of the death of Suresh, which has been partly accepted and they have been granted compensation of Rs.4,10,000/-. Respondents were held jointly and severally liable to pay the same, along with interest @ 7.5% 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 wrong parking of Truck by respondent No.1 who was the driver, which resulted in the death of Suresh. Tribunal found that the driver of the Truck was holding a valid driving license Ex.R1 and the vehicle was insured under insurance policy Ex.R5.

5. Appellants-claimants have examined Madan Lal, PW2, Ex-Sarpanch who deposed that Suresh was running a dairy namely 'Maa Shudh Dairy' and was earning Rs.25,000/- per month. This assertion of the claimants cannot be accepted in absence of any documentary or other supporting evidence.

6. Tribunal has rightly assessed the income of the deceased, who was 47 years of age as Rs.5,000/- per month. The minimum rate of wages for unskilled labour in the State of Haryana as on 01.01.2012 was Rs.4847/-. Therefore, no increase can be made in the assessed income of the deceased.



FAO-6112-2014

-3-

Dependency of 1/2 applied by Tribunal does not require any interference as the deceased was a bachelor. Tribunal has correctly applied a multiplier of 13, keeping in view the age of the deceased. However, Tribunal has not considered future prospects of the deceased, which have to be granted at 25%. Tribunal has awarded Rs.20,000/- on account of transportation and funeral expenses. This figure requires to be reduced to Rs.18,000/-. Compensation towards loss of estate and loss of consortium is required to be granted to the claimants.

7. 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 an enhanced award. This court is of the view that head-wise computation of compensation deserves to be modified as below:-

Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.5,000/-
2	Future prospects	Rs.1,250/- (25% of Rs.8,000/-)
3	Deduction towards personal expenditure 1/2	Rs.6,250/- x 1/2
4	Total Monthly Income	Rs.3,125/- (Rs.6,250/- subtract Rs.3,125/-)
5	Multiplier	13
6	Annual dependency	Rs.4,87,500/- (Rs.3,125/- x12 x13)
7	Loss of Consortium	Rs.1,44,000/- (Rs.48,000/- x 3)
8	Funeral expenses	Rs.18,000/-
9	Loss of Estate	Rs.18,000/-
10	Total compensation	Rs.6,67,500/-
11	Less: Award by MACT	Rs.4,10,000/-
12	Enhancement	Rs.2,57,500/-

**FAO-6112-2014****-4-**

8. Accordingly, the appellants are entitled to an additional compensation of Rs.2,57,500/-, which shall be payable to the appellants with interest at the rate of 7.5% per annum from the date of the filing of the claim petition.

9. Appeal is disposed of.

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

27.05.2025

*sheetal***(SUVIR SEHGAL)**
JUDGE

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No