



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

**FAO-6232-2015 (O&M)
Date of Decision: May 01, 2025**

Smt.Monica Gulati and others

...Appellants

VERSUS

Ravinder Singh Bhandari and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Ish Puneet Singh, Advocate,
for the appellants.

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

ARCHANA PURI, J.

The present appeal has been filed by the appellants-claimants, thereby, questioning the adequacy of the compensation awarded by learned Motor Accident Claims Tribunal, on account of death of Dr.Raman Pal Singh, in a motor vehicular accident.

Suffice to consider that the accident had taken place on the intervening night of 21/22.09.2009 at about 1.00 a.m., when Dr.Raman Pal Singh (since deceased) was proceeding from Delhi to Jalandhar in a taxi i.e. Indica car bearing registration No.CH-02-2264, driven by respondent No.2-Madan.

On appraisal of the evidence, brought on record, it was concluded by learned Tribunal that accident had taken place, due to rash and

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negligent driving of the aforesaid Indica car, as a result whereof, Dr.Raman Pal Singh sustained extensive injuries, which ultimately proved fatal. Thereupon, learned Tribunal, on the basis of the evidence coming on record, held the deceased to be working as medical practitioner and also took his age as 47 years and assessed the earnings of deceased as Rs.7,00,000/- per annum, to work upon the compensation. 1/3rd was deducted on the count of 'personal expenses' and the loss of dependency was worked upon as Rs.4,66,000/- per annum. Upon this, multiplier of '9' was applied and the compensation was worked upon as Rs.41,94,000/-. Besides the same, another amount of Rs.3,07,609/- was awarded, on the basis of medical bills. Even, widow of deceased was held entitled to Rs.1,00,000/- as 'loss of consortium' and another amount of Rs.25,000/- was granted, towards 'funeral expenses'. Thus, in total, the compensation was worked upon as $Rs.41,94,000+3,07,609+1,00,000+25,000=Rs.46,26,609/-$.

The claimants were also held entitled to 7.5% interest, from the date of filing of the claim petition, till realization. The liability of the respondents was held to be joint and several.

Suffice to consider that, none of the respondents, upon whom, the liability was fastened, have assailed the findings, so recorded by learned Tribunal. Be it noted that, it is only the appellants-claimants, who have filed the present appeal for seeking enhancement of the compensation.

So far as the vocation of the deceased is concerned, ample evidence has been brought on record, his being medical practitioner. Even, from the income tax returns, which have been produced in evidence, it is evident that date of birth of Dr.Raman Pal Singh was 23.08.1962 and thus,

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on the date of accident, he was 47 years old. Thus, learned Tribunal had appropriately considered age of the deceased as 47 years, at the relevant time.

It is pleaded case of the appellants-claimants that deceased was working in Shriram Cardiac Centre i.e. Joshi Hospital and was also running his clinic and thus, his earnings were Rs.2,40,000/- per month. Monica Gulati, widow of deceased, stepped into witness box as PW-1. In his affidavit Ex.PW1/A, she has deposed about her husband to be working as Doctor in Shriram Cardiac Centre i.e. Joshi Hospital and that he was running clinic and also a visiting doctor, in various medical centres and also about his earnings to be Rs.2,40,000/- per month.

Furthermore, Vijay Kumar has been examined as PW-2, who is Accountant in Shriram Cardiac Centre, Kapurthala and this witness also deposed about deceased to be working in their hospital and getting minimum charges of Rs.1,40,000/- per month, with 10% increment every year. He also deposed that deceased was doing his private practice. The deceased was Assistant Cardiac Surgeon. The certificate issued under the signatures of proprietor of Hospital is Ex.P21, copy of account statement is Ex.P22 and copy of Income tax 26 AS form is Ex.P23.

The income tax return dated 20.10.2010 submitted by widow of deceased is Ex.A4, which reflected the annual income of the deceased as Rs.5,59,581/-. However, this income tax return connects to the period from 01.04.2009 to 31.03.2010, wherein, salary of three months, received from Shriram Cardiac Centre was considered. However, the deceased himself had filed income tax return for the assessment year 2008-09, where, his annual

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gross income was shown as Rs.7,34,957/- and the net income was Rs.6,34,957/-. He paid tax of the amount of Rs.1,43,670/-.

Despite, discussing the evidence brought on record and also considering the fact about the deceased to have worked in Shriram Cardiac Centre and receiving an amount of Rs.1,40,000/-, learned Tribunal had considered about his having worked for few months only and therefore, this extent of earnings was not considered by learned Tribunal. While observing the deceased to be well-qualified cardiologist and also considering possibility of increase in his income in near future, learned Tribunal had assessed the income as Rs.7,00,000/-. However, no specific reasoning for making assessment of this extent of income, as such, has been given by learned Tribunal.

From the evidence, brought on record, it stands established that three months prior to his death, Dr.Raman Pal Singh was employed with Shriram Cardiac Centre and he was receiving amount of Rs.1,40,000/- from this institution. PW-2 Vijay Kumar, as observed aforesaid, had categorically stated about the deceased to be working as Assistant Cardiac Surgeon. He proved the certificate issued under the signatures of proprietor of the hospital, which is Ex.P21 and also proved the copy of account statement Ex.P22 and income tax 26 AS form Ex.P23, which clearly reflects about the deceased to be working in the aforesaid hospital and being paid an amount of Rs.1,40,000/- per month. Even, amounts received from Shriram Cardiac Centre have been reflected in the bank statement of Dr.Raman Pal Singh, of the period, prior to his death and also one date after his death.

Though, the income tax return, filed at the instance of appellant-

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claimant No.1, after the death of Dr.Raman Pal Singh, as such, cannot be considered, but suffice to consider that the income tax form 16-A filed by the deceased himself, which reflects about his earnings from 01.04.2008 to 31.03.2009, which was to the extent of Rs.13,06,800/- and tax paid to be Rs.1,48,074/-.

Thus, the services rendered by deceased Dr.Raman Pal Singh in Shriram Cardiac Centre, as such, stands established and amount received by him, also stands established.

Simply, on the score of deceased having worked in the aforesaid Centre for only three months, prior to the accident in question, does not debar the claimants to seek compensation, while considering the aforesaid extent of earnings of the deceased.

So far as, other assertions of the appellants about the deceased to be running his own private clinic and also going to other hospitals as visiting doctor, as such, does not stand established. But however, the fact of deceased rendering services in Shriram Cardiac Centre, do stand amply established from the documents brought on record. This, as such, cannot be overlooked. The deceased was a qualified cardiologist and being so, the chances of his growth were always there, considering his age. From the income tax return filed by the deceased himself, it is evident that in the year 2007-08, his earnings were Rs.12,45,000/- and tax payable was Rs.1,41,058/-. Likewise, in the income tax return for the year 2008-09 filed by Dr.Raman Pal Singh himself and proved as Ex.A6, reflects his earnings as Rs.13,06,800/- and tax deducted at source was Rs.1,48,074/-.

Considering the same, the amount of Rs.1,40,000/- received by



the deceased from Shriram Cardiac Centre, for the services rendered by him, as such, cannot be said to be inflated one, in any manner, more particularly, when it do stands established from the documents, proved by PW-2 Vijay Kumar as well as bank statement of the deceased. Solely, on account of deceased having died after three months of his employment in Shriram Cardiac Centre, is no ground to discard Rs.1,40,000/- as income of the deceased, since this relates to the pre-accident period. Therefore, there is no chance of showing inflated earnings.

Considering it to be so, the assessment of income by learned Tribunal as Rs.7,00,000/-, is definitely on lower side.

Time and again, it has been reiterated by the Courts that the compensation awarded to the victim of motor accident cases, should be adequate compensation. It should be 'just' compensation-**no less and no more**. Following this principle, the earnings of the deceased, in the case in hand, ought to be taken as Rs.1,40,000/- per month, as established from the evidence brought on record, annual whereof, comes to be Rs.16,80,000/-.

As per *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, for the purpose of 'work on' of the compensation, actual salary ought to be taken minus tax component. As per the tax slab, prevalent in the assessment year 2009-2010, the income upto Rs.1,50,000/- was exempted from tax. However, from the income bracket of Rs.1,50,000-3,00,000/-, income tax payable was 10%, which is to the extent of Rs.15,000/-. Furthermore, for the income bracket of Rs.3,00,000-5,00,000/-, the tax payable was 20%, which is to the extent of Rs.40,000/-. Then, from the income above Rs.5,00,000/-, the tax payable was 30%. After



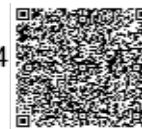
deduction of Rs.5,00,000/-, the residue taxable amount works out to be Rs.16,80,000-5,00,000=Rs.11,80,000/- and therefore, working upon the tax on this amount @ 30%, it comes to be Rs.3,54,000/-. Thus, the total tax payable, comes to be **Rs.4,09,000/-**. After making deduction of the aforesaid extent of income tax amount, the residue annual income, comes out to be Rs.16,80,000-4,09,000=**Rs.12,71,000/-**.

Considering the age of the deceased to be 47 years, addition of 25% ought to be made, on the count of 'future prospects', which comes to be Rs.3,17,750/-. After making such addition, the annual earnings of the deceased, comes to be Rs.15,88,750/-.

Considering the number of dependents, the deduction on the count of 'personal expenses' ought to be made to the extent of 1/3rd as done by learned Tribunal, which comes to be Rs.5,29,583/- and the residue earnings comes to be Rs.10,59,167/-.

Taking the age of the deceased, as observed aforesaid, as per *Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77*, the appropriate multiplier to be applied is '13' instead of '9', as applied by learned Tribunal. Thus, by applying the same, the loss of dependency comes to be Rs.10,59,167 x13=**Rs.1,37,69,171/-**.

Besides the aforesaid, on the count of '**loss of consortium**', all the appellants-claimants, are entitled to prevalent amount of Rs.48,400/- each i.e. Rs.48,400x3=**Rs.1,45,200/-** and they are also entitled to compensation, on the counts of '**loss of estate**' as well as '**funeral expenses**', which is **Rs.18,150/-**, on each count.



Moreover, learned Tribunal has appropriately awarded compensation on the count of 'medical expenditure' to the extent of **Rs.3,07,609/-**.

Considering the same, the compensation payable to appellants-claimants, on account of death of Dr.Raman Pal Singh, is re-computed, as herein given:-

Loss of dependency	:	Rs.1,37,69,171/-
Loss of consortium	:	Rs.1,45,200/-
Loss of estate	:	Rs.18,150/-
Funeral expenses	:	Rs.18,150/-
Medical expenditure	:	Rs.3,07,609/-
Total	:	Rs.1,42,58,280/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.1,42,58,280-46,26,609=Rs.96,31,671/-**. On the enhanced amount of the compensation i.e. **Rs.96,31,671/-**, the appellants-claimants shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation. The enhanced amount of compensation, as now worked upon, shall be disbursed to the respondents-claimants, in equal shares. However, the same shall be inclusive of the amount of Rs.1,00,000/-, as separately awarded to claimant-Monica Gulati.

Accordingly, the impugned Award dated 31.03.2014 stands modified, to the extent, as indicated aforesaid. The residue terms of the Award, as ordered by learned Tribunal, shall remain the same.

In view of the aforesaid observations, the present appeal stands



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allowed.

The pending civil misc. applications, if any, shall stand disposed of.

May 01, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No