

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

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FAO-650-2016(O&M)**Date of decision: 19.05.2025****D.V. Sharma & Others****...Appellant(s)****Vs.****Upender Kumar Sharma & Another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**Present:- Mr. Madan Pal, Advocate
for the appellants.Mr. Ajay Kumar, Advocate for
Mr. Rajesh Verma, Advocate
for respondent No.2.

NIDHI GUPTA, J.

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.8,35,000/- awarded by the Motor Accident Claims Tribunal, Chandigarh (for short "the Tribunal"), vide Award dated 20.09.2013 passed in MACT Case No.379 dated 24.09.2011 filed under Section 166 of the Motor Vehicles Act (hereinafter referred to as "the Act"). The 3 claimants are the 43-year-old father, 39-year-old mother, and sister of deceased Aarpit Sharma, who was 21 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleading and oral & documentary evidence adduced before it concluded that deceased Aarpit Sharma had died due to the injuries suffered by him in a motor vehicular accident that took place on 27.12.2010



due to the rash and negligent driving of Maruti Zen car bearing registration No.UA-07-N-8860 (hereinafter referred to as “the offending vehicle”) being driven and owned by respondent No.1. The offending vehicle was insured by respondent No.2. Learned Tribunal awarded aforesaid compensation along with interest @ 7.5% per annum from the date of filing the claim petition till realisation. The respondents were held jointly and severally liable to pay the amount of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that the accident had taken place in Dehradun whereafter, body of the deceased had to be transported from Dehradun to Chandigarh. However, nothing has been awarded by the learned Tribunal towards transportation. It is submitted that even nothing has been granted by way of consortium to the claimants.

4. The submissions made by learned counsel for the appellants are opposed by ld. counsel appearing on behalf of respondent No.2/Insurance Company. Ld. counsel contends that the impugned Award suffers from no error and the present appeal deserves to be dismissed.

5. No other argument is made on behalf of the parties.

6. I have heard learned counsel for the parties and perused the case file in great detail.

7. Perusal of record of the case shows that it has been the pleaded case of the appellants before the learned Tribunal that at the time



of accident, the deceased was 21 years of age and doing his Graduation from Panjab University, Chandigarh. It was further stated in the Claim Petition that the deceased had passed out Senior Secondary Examination in the year 2010. It was further claimed that the deceased was self-employed and earning Rs.10,000/- per month. However, given the admitted fact that the deceased had passed out Senior Secondary Examination in the year 2010; learned Tribunal had disbelieved claim of the appellants that deceased was earning Rs.10,000/- per month at time of accident on 27.12.2010; and had taken notional income of the deceased to be Rs.5,000/- per month. I find no error in the same. As the deceased was a bachelor, deduction of 50% was correctly made towards personal expenses. Thus, monthly income came to be Rs.2,500/- and annual income to be Rs.30,000/-. Age of the deceased was proven to be 21 years at the time of accident, on the basis of Post-Mortem Report. Accordingly, multiplier of 18 was correctly applied. Learned Tribunal had further made addition of 50% towards future prospects. However, as per the law laid down by the Hon'ble Supreme Court in "**Sarla Verma Vs. Delhi Transport Corporation**" (2009) **AIR (SC) 3104 Law Finder Doc ID # 188882**, future prospects were to be added @ 40%. Learned Tribunal had further awarded Rs.25,000/- towards funeral expenses. However, nothing was granted towards consortium or loss of estate. The above-said compensation amount was awarded only to claimant No.2/mother of the deceased. In view of the above, present



appeal is **partly allowed**; and compensation awarded to the claimants is modified in following manner: -

Head	Amount awarded by learned Tribunal	Revised compensation
Monthly income	Rs.5,000/-	Rs.5,000/-
Deduction (50%)	Rs.2,500/-	Rs.2,500/-
Future prospects	(50%) Rs.2,500/-	(40%) Rs.1,000/-
Total monthly income	Rs.3,750/-	Rs.3,500/-
Multiplier	18	18
Annual dependency	Rs.3,750/- x 18 x 12 = Rs.8,10,000/-	Rs.3,500/- x 12 x 18 = Rs.7,56,000/-
Loss of estate	Nil	Rs.15,000/-
Funeral expenses	Rs.25,000/-	Rs.25,000/-
Loss of consortium	Nil	Rs.48,000/-
Transportation	Nil	Rs.15,000/-
Total	Rs.8,35,000/-	Rs.8,59,000/-

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

19.05.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No