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

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Date of decision:30.01.2025

INDERJEET KAUR & ORS

...APPELLANTS

VS.

HARMEET SINGH @ BILLA & ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

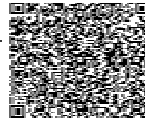
Present: Mr. Ashwani Arora, Advocate
for the appellants.

Mr. Suvir Dewan, Advocate
for respondent No.3.

SUVIR SEHGAL, J.

1. Instant appeal has been filed under the Motor Vehicles Act, 1988 by the legal representatives of Rajinder Singh-deceased. Appellants have sought enhancement of compensation granted by the Motor Accident Claims Tribunal (for short "the Tribunal"), S.A.S. Nagar, Mohali vide award dated 12.01.2010.

2. Facts leading to the filing of the appeal are that on 27.09.2008, the deceased Rajinder Singh with his wife, Inderjeet Kaur, and daughter, Jashanpreet were traveling from Ambala to their village on his motorcycle. Harpal Singh was following them on another motorcycle. A truck bearing registration No. PB-11-AE-8372, which was being rashly driven by respondent No.1 came from the opposite direction and struck their motorcycle. Rajinder Singh, his wife, and daughter fell on the road and



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sustained multiple injuries. They were taken to PGI, Chandigarh, where Rajinder Singh was declared brought dead. An FIR, Ex.P-1, bearing No.99 dated 28.09.2008 was lodged under Sections 279, 337, 304-A, 427 IPC at Police Station Lalru, S.A.S. Nagar. The appellants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 claiming compensation on account of the accidental death of Rajinder Singh, which has been accepted vide award dated 12.01.2010 and they have been granted compensation of Rs.5,76,000/-. Respondents have been held jointly and severally liable to pay the amount, along with interest @ 8% per annum 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, the Tribunal has come to the conclusion that the accident took place on account of rash and negligent driving by respondent No.1 and Rajinder Singh died in the motor vehicle accident. The Tribunal found that Respondent No.1 had a valid Driver's License Ex.R1 and the offending vehicle was insured under insurance policy Ex.R5.

5. Compensation was assessed by assuming the income of the deceased, who was 28/29 years of age as Rs.4,000/- per month, which do not deserve to be modified. In view of the judgment of the Supreme Court in **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, (2009) 6 SCC 121**, Tribunal has applied a deduction of 1/4th towards personal expenses from the monthly income as the deceased had six dependents. Tribunal applied a multiplier of 16, keeping in view the age of



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the deceased, which has to be increased to 17. Tribunal has not considered future prospects of the deceased.

6. In the light of the principles laid down by the Supreme Court in *Sarla Verma's case (supra), National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680* read with *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 computations of compensation deserves to be modified as below:-

Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.4,000/-
2	Future prospects	Rs.1,600/- (40% of Rs.4,000/-)
3	Deduction towards personal expenditure 1/4 th	Rs.1,400 (Rs.5,600/- X 1/4 th)
4	Total Monthly Income	Rs.4,200/- (Rs.5,600/ subtract Rs.1,400/-)
5	Multiplier	17
6	Annual dependency	Rs.8,56,800/- (Rs.4,200/- X 12 X 17)
7	Loss of Estate	Rs.18,000/-
8	Funeral expenses	Rs.18,000/-
9	Loss of consortium	Rs.2,88,000/- (Rs.48,000/- payable to each of six dependents)
10	Total compensation	Rs.11,80,800/-
11	Less: Award by MACT	Rs.5,76,000/-
12	Enhancement	Rs.6,04,800/-

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7. Accordingly, the appellants are held to an additional compensation of Rs.6,04,800/-, which shall be payable with interest at the rate of 6% per annum from the date of the 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.

30.01.2025

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

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