

**FAO-1679-2008****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA AT
CHANDIGARH****(139)****FAO-1679-2008****Date of decision:- 14.07.2025****Manjeet Kaur and others****... Appellants****Versus****Mohinder Singh and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Ms. Preeti Bansal, Advocate for
Mr. Rajesh Sethi, Advocate
for the appellants.

Mr. D.S.Adlakha, Advocate
for respondent No.3-insurance company

**********SUVIR SEHGAL, J. (ORAL)**

1. Instant appeal has been filed under section 173 the Motor Vehicles Act, 1988 (for brevity "M.V. Act") by the legal representatives of Chhinder Singh, deceased. Appellants have sought enhancement of compensation granted by the Motor Accident Claims Tribunal (for short "the Tribunal"), Sirsa vide award dated 15.12.2007.
2. Facts leading to the filing of the appeal are that on 26.04.2005, Chhinder Singh along with his brother-in-law, Tarsem Lal, were sitting on the wall of a canal bridge. A Tractor bearing registration No. HR-25-8934, which was being carelessly driven by Mohinder Singh, respondent No.1, rammed into Chhinder Singh, but his brother was unscathed. Chhinder Singh sustained serious injuries on his head and spinal cord. He was hospitalised and succumbed to his



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injuries on 14.09.2005. An FIR No.102, Ex.P21, dated 28.04.2005 under Sections IPC 279, 337 and 338, IPC was lodged at Police Station Raina. The appellants filed a petition under Section 166 of the M.V. Act claiming compensation on account of the death of Chhinder Singh, which has been partly accepted and they have been granted compensation of Rs.8,35,603/-. Respondents have been jointly and severally found liable to pay the same, along with interest at the rate of 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 of respondent No.1, which resulted in the death of Chhinder Singh. 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.R4.

5. Appellants have examined Mani Ram, PW2, Clerk, Municipal Committee, Raina, who deposed that the deceased was employed as a Sweeper in MC, Raina and was getting a consolidated salary of Rs.6,241/- per month. He produced the salary certificate of the deceased as Ex.P18. Tribunal has rightly determined the income of the deceased. Appellants/claimants have exhibited medical bills, Ex.P8 to Ex.P17, amounting to Rs.16,691/-, which established the expenditure on the treatment of deceased. Evidence lead by the claimants shows that Chhinder Singh sustained serious injuries on head and spinal cord. He was taken to Civil Hospital, Sirsa and later, he was shifted to



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Metro Hospital, Hisar, where he underwent treatment. Due to cervical cord injury, his prognosis was poor. As there was no scope of improvement in the injuries, he was discharged on 11.05.2005. He was nursed at home for four months and died on 14.09.2005. A conservative amount of Rs.50,000/- deserves to be granted on account of pain, suffering and expenses, including medical bills, attendant charges etc.

6. Dependency of 1/3rd applied by the tribunal, towards personal expenses, deserves to be reduced to 1/5th as the deceased had seven dependents. Tribunal has erred in applying a multiplier of 16. Deceased was 36 years of age and multiplier has to be reduced to 15. An award of Rs.10,000/- on account of funeral expenses has been granted by Tribunal, which is on the lower side. No compensation has been awarded for loss of estate and loss of consortium. Tribunal has not considered future prospects of the deceased.

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 deserves to be modified as below:-

Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.6,241/-
2	Future prospects	Rs.3121/- (50% of Rs. 6,241/-)
3	Deduction towards personal expenditure 1/5th	Rs.1,872/- (Rs.9,362/- x 1/5)
4	Total Monthly Income	Rs.7,490/- (Rs.9,362/- subtract Rs.1,872/-)
5	Multiplier	15



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6	Annual dependency	Rs.13,48,200/- (Rs.7,490/- x12 x15)
7	Loss of Consortium	Rs.3,36,000/- (Rs.48,000/- x 7)
8	Funeral expenses	Rs.18,000/-
9	Loss of Estate	Rs.18000/-
10	Pain & Sufferings and Medical expenses, etc	Rs.50,000/-
11	Total compensation	Rs.17,70,200/-
12	Less: Award by MACT	Rs.8,35,603/-
13	Enhancement	Rs.9,34,597/-

8. Accordingly, the appellants are entitled to an additional compensation of Rs.9,34,600/- rounded off, 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.

(SUVIR SEHGAL)
JUDGE

14.07.2025

Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No