



FAO-5562-2019

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

(265)

FAO-5562-2019

Date of decision:- 17.07.2025

Smt. Saroj and others

... Appellants

Versus

Sunil Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Vinay Singh Rathee, Advocate for the appellants.

Mr. Sanjeev K. Arora, Advocate
for respondent No.3-insurance company.

SUVIR SEHGAL, J. (ORAL)

1. Instant appeal has been filed under the Motor Vehicles Act, 1988, (for brevity "M.V. Act") by the legal representatives of deceased, Amit. Appellants have sought enhancement of compensation awarded by the Motor Accident Claims Tribunal (for short "the Tribunal"), Sonapat, vide award dated 14.02.2019.
2. Facts, leading to the filing of the appeal, are that on 10.02.2017 at about 09:00 P.M., Amit was travelling on his motorcycle. A Dumper bearing registration No. HR-69-9089 driven by Sunil Kumar, respondent no. 1, collided with the motorcycle of Amit, who sustained multiple injuries. Amit was shifted to General Hospital, Sonipat, where he was declared brought dead. An FIR No. 59 dated 11.02.2017, Ex.P-1, under Sections 304-A and 279, IPC was lodged at Police station, Rai on the statement of Kuldeep, an eye witness. Claimants being mother, grandmother and two unmarried sisters of the



deceased, who filed a petition under Section 166 of the M.V. Act, claiming compensation on death of Amit. This petition has been partly accepted and they have been granted compensation of Rs.13,90,800/-. Respondents have been held jointly and severally liable to pay the amount, along with interest @ 7% 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, Tribunal has come to the conclusion that the accident took place on account of rash and negligent driving of Dumper by respondent No.1 and Amit lost his life in the vehicular accident. Tribunal found that respondent No.1 had a valid driving license, Ex.R-1, and offending vehicle was fully insured under insurance policy, Ex. R-3.

5. Compensation has been inadequately assessed by assuming the income of the deceased as Rs.9,000/- per month. There is evidence on the record that the deceased was working as a driver with Gupta Medicine Centre, Sonipat. PW-3, Sunil, proprietor of Gupta Medicine Centre, deposed that the deceased was working as a driver at his shop from 01.03.2016 and was getting a salary of Rs.12,500/- per month. He produced salary receipts, Ex.P-12 to Ex.P-24 as well as salary statement, Ex.P-25. Even though this witness did not produce income tax returns or accounts statement, there is no reason to disbelieve his testimony. Unless there is any reason to doubt the deposition of the employer, his statement deserves to be accepted. In **Parminder Singh Versus New India Assurance Company Ltd. and others, (2019) 7 SCC 217**, Supreme Court assessed the income of the deceased on the



basis of the affidavit of the employer. Accordingly, monthly income of the deceased has to be determined at Rs.12,500/-.

6. The dependency of one-half calculated by the Tribunal on account of personal expenses and expenditure of the deceased requires to be interfered with. Counsel for the deceased is survived by his widowed grandmother, mother and two unmarried sisters. In *Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, (2009) 6 SCC 121*, Supreme Court observed as under:-

“32. However, where family of the bachelor is large and dependent on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third.”

7. In view of the above-reproduced judgment, deduction from income is altered from one-half to one-third. Tribunal has correctly applied the multiplier of 18, as deceased was 24 years of age. Tribunal has granted future prospects, to the tune of 40%, which does not require any modification. Tribunal has not granted any amount under the head of loss of consortium. Award of Rs.15,000/- each under the head of loss of estate and expenses on transportation/funeral expenses deserves to be enhanced.

8. In the light of the guidelines laid down by the Supreme Court in *Smt. Sarla Verma’s case (supra), 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 under conventional heads, future prospects, etc. The



Court is of the view that head-wise computation deserves to be modified as below: -

Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.12,500/-
2	Deduction towards personal expenditure:1/3 rd	Rs.12,500 /- x 1/3=Rs.4,167/- i.e.after deduction=Rs.8,333/-
3	Future prospects	Rs.3,333/- (40% of Rs.8,333/-)
4	Total Monthly Income (After Deduction + Future Prospects)	Rs.11,666/- (Rs.8,333/- plus Rs.3,333/-)
5	Multiplier	18
6	Annual dependency	Rs.25,19,856/- (Rs.11,666/- x 18 x 12)
7	Loss of Consortium (Filial consortium)	Rs.1,92,000/- (Rs.48,000/- x 4 Dependents)
8	Funeral expenses	Rs.18,000/-
9	Loss of Estate	Rs.18,000/-
10	Total compensation	Rs.27,47,856/-
11	Less: Award by MACT	Rs.13,90,800/-
12	Enhancement	Rs.13,57,056/-

9. Accordingly, the appellants are held entitled to an additional compensation of Rs.13,57,056/-, which shall be payable by the respondents with interest at the rate of 7.5% per annum from the date of the filing of the claim petition.

10. Appeal is disposed of.

17.07.2025

Kamal

(SUVIR SEHGAL)
JUDGE

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