

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

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**FAO-2509-2008(O&M)
Date of decision: 23.09.2025****Smt. Santro & Another****...Appellant(s)****Vs.****Baljit Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Vipul Sharma, Advocate for
Mr. Ashwani Arora, Advocate
for the appellants.

Ms. Kanika, Advocate for
Mr. Pardeep Goyal, Advocate
for respondent No.3.

*********NIDHI GUPTA, J.**

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.2,80,000/- awarded by the Motor Accident Claims Tribunal, Chandigarh (hereinafter 'the learned Tribunal') vide Award dated 05.03.2008 passed in MACT Case No.157 dated 19.05.2006 filed under Section 163-A of the Motor Vehicles Act (hereinafter "the Act"). The 2 claimants are the parents of the deceased Pawan Kumar.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties,



concluded that deceased had died due to the injuries suffered by him in a motor vehicular accident that took place on 07.04.2006 at about 7:45 pm due to the rash and negligent driving of bus bearing registration No.PB-12-G-5787 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The aforesaid compensation has been awarded along with interest @ 7.5% p.a. The learned Tribunal had held the respondent No.3-Insurance Company liable to pay the compensation to the claimants; however had granted recovery rights to respondent No.3 as the respondents No.1 and 2 did not possess a valid Driving Licence and Route Permit.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that the learned Tribunal has erroneously applied multiplier of 10; whereas keeping in view the fact that the deceased was between 21-25 years old, multiplier of 18 ought to have been applied. It is further submitted that nothing has been awarded under the conventional heads. In support, learned counsel relies upon judgment of this Court in **Farrukh v. Sale Khan, (Punjab and Haryana) : Law Finder Doc ID # 2224013**, wherein while placing reliance upon judgment of the Hon’ble Supreme Court in **Kurvan Ansari alias Kurvan Ali v. Shyam Kishore Murmu (SC) : Law Finder Doc ID # 1911276**, it has been held that:-

“3. Learned counsel for the appellants seeks enhancement of the compensation amount on the ground that the learned Tribunal has merely awarded a lumpsum payment of Rs.1,20,000/-. It is



*submitted that even no multiplier has been applied and nothing has been granted under any of the conventional heads. Learned counsel relies upon judgment of Hon'ble Supreme Court in **Civil Appeal No.6902 of 2021 titled as "Kurvan Ansari @ Kurvan Ali & Another v. Shyam Kishore Murmu & Another"**.*

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10. It is undisputed that in a petition under Section 163-A of the Act, the Scheme/structured formula as contained in Schedule-II of the Act, has to be followed, whereunder inter-alia, compensation in a death case cannot exceed Rs. 5 lacs. Accordingly, in consonance with the said Scheme as stipulated in Schedule-II of the Act, as also in conformity with the law laid down by the Hon'ble Supreme Court in above-cited case of Kurvan Ansari (supra), compensation admissible to the claimants herein is re-worked as follows:-

<i>Notional Income</i>	<i>Rs.25,000/- per annum</i>
<i>Multiplier</i>	<i>15</i>
<i>Age</i>	<i>14 years</i>
<i>Loss of filial consortium</i>	<i>Rs.44,000/- each</i>
<i>Funeral expenses</i>	<i>Rs.16,500/-</i>
<i>Calculation</i>	<i>Rs.25,000/- x 15 + 44,000 + 44,000 + 16,500 = Rs.4,79,500/- - Rs.1,20,000/- (awarded by learned Tribunal) = Rs.3,59,500/- along with interest as awarded by learned Tribunal.</i>

4. It is accordingly prayed that the compensation awarded to the appellant be enhanced.



5. Ld. counsel for respondent No.3-Insurance Company opposes submissions of the appellants and submits that the impugned Award suffers from no error and therefore, the present appeal, be dismissed.

6. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find no merit in the submissions made on behalf of the appellants.

7. The pleaded case of the appellants before the learned Tribunal as recorded in Para 2 of the impugned Award is that: -

“2. The fact leading to the filing of the present petition are that on 07.04.2006, at about 7.45 PM the deceased Pawan Kumar was going along with Minto and Hawa Singh on the road leading from Dhanas to Mullanpur Barrier while driving a horse card (Khachar rehra) at a slow speed on a proper left side of the road and when they reached in front of Makrana Marble Shop, Dhanas, the respondent No.1 driving bus bearing No. PB-12-G-5787 came from the opposite side and struck against the car as a result the deceased Pawan Kumar along with other persons sitting on the card were injured and were removed to the hospital where Pawan Kumar succumbed to his injuries. Even the mule (khachar) was injured and died on the spot. As per the petitioner the accident in question arises out of the use of the bus and as such they being parents of the deceased are entitled for compensation under Section 163 (A) of the Motor Vehicles Act, 1988 as amended upto date. Hence, this petition.”

8. Perusal of the record reveals that neither in the Claim Petition, nor in the Award is there any mention of the age of the deceased Pawan



Kumar. It is only in the Grounds of present Appeal, that the age of deceased is stated to be 22 years. At the time of arguments, age of deceased has been mentioned as 21. It was also the case of the appellants that the deceased was having a mule cart from which he was earning Rs.3,300/- per month. As the said oral statements of the appellants went unrebutted by the respondents, the learned Tribunal had taken income of the deceased as Rs.3,300/- per month. As there were two claimants, deduction of 1/3rd was made towards personal expenses, and monthly income was assessed to be Rs.2,200/-; and annual income to be Rs.26,400/-. However, Multiplier of 10 was applied; whereas, given the fact that age of deceased was in the bracket of 21 -25, the same should be 17. Rs.16,000/- was awarded towards transportation; thereby granting total compensation of Rs.2,80,000/-.

9. Further, in view of the fact that the present claim petition is filed under Section 163-A of the Act, the Scheme/structured formula as contained in Schedule-II of the Act, has to be followed, whereunder inter-alia, compensation in a death case cannot exceed Rs. 5 lacs. Accordingly, in consonance with the said Scheme as stipulated in Schedule-II of the Act, as also in conformity with the law laid down by the Hon'ble Supreme Court in above-cited case of **Kurvan Ansari (supra)**, the present appeal is **allowed** and the compensation awarded to the appellants is re-assessed as follows:-

Head	Awarded by learned Tribunal	Re-assessed compensation
Income	Rs.3,300/- per month	Rs.3,300/- per month
Deduction	1/3 rd (Rs.1,100/-)	1/3 rd (Rs.1,100/-)



Multiplier	10	17
Loss of dependency	Rs.2,64,000/- (Rs.2,200/- x 12 x 10)	Rs.4,48,800/- (Rs.2,200/- x 12 x 17)
Consortium	Nil	Nil
Transportation	Rs.16,000/-	Nil
Funeral expenses	Nil	Rs.16,000/-
Loss of estate	Nil	Rs.16,000/-
Total	Rs.2,80,000/-	Rs.4,80,800/- - Rs.2,80,000/- = Rs.2,00,800/-
Interest	7.5% per annum	7.5% per annum

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

23.09.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No