

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

213

Date of decision: 12.09.2025

FAO-3842-2017(O&M)

Manjit Kaur & Another

...Appellant(s)

Vs.

Harjiwan Singh & Others

...Respondent(s)

FAO-2092-2017(O&M)

Pepsu Road Transportation Corporation & Another

...Appellant(s)

Vs.

Manjit Kaur & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Gaurav Sharma, Advocate
for the appellants/claimants
in FAO-3842-2017.

Mr. Aman Sharma, Advocate
for the appellants
in FAO-2092-2017.

NIDHI GUPTA, J.**FAO-3842-2017**

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.14,31,000/- awarded by Motor Accident Claims Tribunal, Barnala (hereinafter referred to as 'the learned Tribunal') vide Award dated 11.11.2016 passed in MACT Case No.23 dated



16.03.2016 filed Section 166 of the Motor Vehicles Act (hereinafter referred to as “the Act”). The 2 claimants are the parents of deceased Ramandeep Singh @ Teju, who was 19 years old at the time of accident.

FAO-2092-2017

Present appeal has been filed by the owners of bus bearing registration No.PB-31F-9087 (hereinafter referred to as “the offending vehicle”) laying challenge to the Award dated 11.11.2016 passed by the learned Tribunal in MACT Case No.23 dated 16.03.2016 filed Section 166 of the Act; whereby claimants/respondents No.1 and 2 herein have been awarded compensation of Rs.14,31,000/-.

Both the above said cross-appeals are being disposed of by this common order as both appeals arise out of the Award dated 11.11.2016; and the same accident dated 05.01.2016 at about 11:06 am; and parties, facts and offending vehicle in both cases, are same. For the sake of brevity, the parties are being referred to and the facts are being drawn from FAO-3842-2017 titled as “Manjit Kaur & Another Vs. Harjiwan Singh & Others”.

2. Learned Tribunal upon appraisal of pleadings and oral & documentary evidence adduced by the parties concluded that the deceased Ramandeep Singh @ Teju had died due to the injuries suffered by him in a motor vehicular accident that took place on 05.01.2016 at about 11:06 am due to the rash and negligent driving the offending vehicle by respondent No.1. The offending vehicle was owned by respondent No.2 and insured by respondent No.3. The aforesaid compensation has been



awarded along with interest @ 9% per annum. The respondents were held jointly and severally liable to pay the aforesaid compensation.

3. Learned counsel for the claimants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as Rs.7,000/- per month. It is submitted that the deceased was cultivating 10 killas of land after taking the same on lease and was having 5 buffaloes and used to sell milk. The deceased was also working as Commission Agent (Munimi) and from all sources, he used to earn Rs.3 lakh per annum. Yet income of the deceased has been taken as only Rs.7,000/- per month. It is submitted that even nothing has been awarded towards future prospects. The amounts under the conventional heads are also on the lower side. Moreover, after the accident, the claimants had spent Rs.10 lakh on treatment of the deceased and Rs.50,000/- on his last rites. It is accordingly prayed that the compensation be enhanced.

4. Per contra, learned counsel for the respondents No.2 and 3/owners of the offending vehicle submits that the challenge by the owners is made to the impugned Award only in respect of the rate of interest of 9% awarded by the learned Tribunal. It is submitted that rate of interest ought to be taken as 6% instead of 9%.

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

6. I have heard learned counsel and perused the case file in detail. I find some merit in the rival arguments made on behalf of both the parties.



7. Although it is the pleaded case of the claimants that deceased was earning Rs.3 lakh per annum i.e. Rs.25,000/- per month. However, no documentary evidence whatsoever was adduced by the claimants to prove the said income. In this circumstance, I find no error in the notional income as assessed by the learned Tribunal as Rs.7,000/- per month. Further, as deceased was 19 years old bachelor, as proved from his Post-Mortem Report (Ex.P303), deduction of 50% was correctly made towards personal expenses; thereby calculating monthly income to be Rs.3,500/-; and annual income to be Rs.42,000/- (Rs.3,500/- x 12). Further, admittedly, nothing has been added towards future prospects. Given the fact that the deceased was 19 years old, future prospects at the rate of 40% were liable to be added. Multiplier of 18 has been correctly applied. It is also proven on record that the deceased had remained hospitalised from the date of accident i.e. 05.01.2016 up to the date of death i.e. 02.02.2016. The claimants had duly produced medical bills/receipts (Ex.P2 to Ex.P302) as per which the claimants had spent Rs.6,49,588/- (rounded off to Rs.6,50,000/-) on treatment of the deceased. The learned Tribunal had accordingly awarded the said amount of Rs.6,50,000/- towards medical expenses.

8. As regards rate of interest, I find merit in the submission of learned counsel for the owners of the offending vehicle that rate of interest should be @ 6%. Accordingly, compensation payable to the claimants is re-assessed in the following manner:-



Head	Awarded by learned Tribunal	Re-assessed compensation
Monthly income	Rs.7,000/-	Rs.7,000/-
Annual income	Rs.84,000/-	Rs.84,000/-
Addition of future prospects (40%)	Nil	Rs.1,17,600/- (Rs.84,000/- + Rs.33,600/-)
Personal expenses (50%)	Rs.42,000/-	Rs.58,800/-
Total loss of income	Rs.42,000/-	Rs.58,800/-
Multiplier	18	18
Amount of compensation	Rs.7,56,000/- (Rs.42,000/- x 18)	Rs.10,58,400/-
Consortium of Rs.44,000/- to each claimant	Nil	Rs.88,000/-
Funeral expenses and Loss of Estate	Rs.25,000/-	Rs.33,000/- (Rs.16,500/- each)
Medical bills	Rs.6,50,000/-	Rs.6,50,000/-
Total	Rs.14,31,000/-	Rs.18,29,400/-
Interest	9%	6%

9. Both the present appeals stand **partly allowed** in above terms.

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

12.09.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No