

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****226(2)****FAO-2028-2013(O&M)****Date of decision: 22.09.2025****Smt. Reena & Others****...Appellant(s)****Vs.****Ram Niwas & Another****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:- Mr. Navneet Singh, Advocate
for the appellants.****Mr. Rahul Bansal, Advocate for
Mr. D.R. Bansal, Advocate
for respondent No.2/Insurance Company.***********NIDHI GUPTA, J.**

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.6,59,846/- awarded by the Motor Accident Claims Tribunal, Sonipat (hereinafter 'the learned Tribunal') vide Award dated 25.08.2012 passed in MVA Petition No.164 dated 12.03.2011 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 3 claimants are the widow and 2 minor children of deceased Narender @ Nanha, who was 46 years old at the time of accident.

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 Narender @ Nanha had died due to the injuries suffered by him in a motor vehicular accident that took place on 31.12.2010



due to the rash and negligent driving of TATA-407 bearing registration No.HR-56-9334 (hereinafter “the offending vehicle”) being driven and owned by respondent No.1; and insured by respondent No.2. The compensation has been awarded along with interest @ 7.5% p.a.; and the respondents were held jointly and severally liable for payment of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that the Id. Tribunal has erred in law as well as on facts while assessing the income of deceased as Rs.17,774/-. It is submitted that as per the latest law 50% increase for future loss should have been assessed. It is further submitted that the Id. Tribunal has erred in law as well as on facts while applying the multiplier of 9 in the present case. It is submitted that the deceased was 46 years old and thus the multiplier of 13 should have been applied as per the settled preposition of law and in the facts and circumstances of the present case. Even cut of 1/3rd has been wrongly applied in the present case. It is submitted that five persons excluding the deceased were dependent thus as per the settled preposition of law and in the facts and circumstances of the present case a cut of 1/5th should have been applied. Thus, the Award is liable to be modified.

4. Ld. counsel for respondent No.2-Insurance Company opposes submissions of the appellants and submits that the impugned Award suffers from no error and therefore, the present appeal, be dismissed.



5. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail.

6. The record reveals that at the time of accident, the deceased was employed in HUDA Department as Driver and as per his Salary Certificate (Ex.P3), deceased was earning Rs.14,697/- per month after deductions; which is proved from the evidence of PW1, SDC, HUDA Office, Sonipat. As per PW1, the date of birth of the deceased was 16.01.1964. Therefore, at the time of accident, the deceased was 46 years old. It is also admitted fact on record that “...As per Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006 (hereinafter referred as 2006 Rules) dependents of deceased who was 46 years would get ex-gratia salary for 12 years i.e. till date of attaining age of superannuation...”. Thus, keeping in view this fact that no loss of salary was caused to the appellants, the Tribunal had taken notional age of the deceased as 58 years (46 actual age + 12 period for which family of deceased would get ex-gratia salary till date of superannuation). I find no error in the same. In this regard, reference may be made to judgment of the Kerala High Court in “**National Insurance Co. Ltd. Vs. Mohan M.S. 2009 (3) AICJ 581**, wherein it has been held that “.....claimant cannot be allowed to make any double benefit”.

7. Reliance may also be placed upon judgment of Hon’ble Supreme Court in **Krishna v. Tek Chand, (SC) : Law Finder Doc ID # 2531576**, wherein it is held that family of a deceased in a motor accident cannot seek “double



benefits". If the family has received benefits from the State Government on account of the death of the deceased, then such benefits are liable to be deducted from the compensation payable under the Motor Vehicles Act. This view has been reiterated by the Hon'ble Supreme Court in "**Reliance General Insurance Co. Ltd. Vs. Shashi Sharma & Ors.**" Law Finder Doc ID # 792568.

8. Further, as there were 3 claimants, the learned Tribunal had correctly made deduction of 1/3rd towards personal expenses. As notional age of the deceased was more than 50 years, nothing was added towards future prospects. Accordingly, annual dependency was calculated to be Rs.71,094/- (Rs.17,774/- - Rs.5,925/- - 1/3rd personal and living expenses of the deceased = Rs.11,849/- divided by 2). Multiplier of 9 was correctly applied. Thereby calculating loss of dependency to be Rs.6,39,846/- (Rs.71,094/- x 9). The learned Tribunal had further awarded Rs.5,000/- towards funeral and transportation expenses; Rs.7,500/- towards loss of estate; and Rs.7,500/- towards loss of consortium to claimant No.1. Thereby granting total compensation of Rs.6,59,846/-, which is just and fair.

9. In view of the above, present appeal is **dismissed**.

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

22.09.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No