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

FAO-4040-2011

Date of Order:-01.04.2025

Roshni Devi

...Appellant

Versus

Kuljit Singh and others

...Respondents

CORAM : HON'BLE MR. JUSTICE SUVIR SEHGAL

Present :- Mr. Ashok Giri, Advocate
for the appellant.

Mr. Deepak Suri, Advocate
for respondent No.3 – insurance company.

SUVIR SEHGAL, J.(ORAL)

1. This appeal has been filed under section 173 of the Motor Vehicles Act, 1988 (for brevity "MV Act") by the legal representative of Utsav Guleria- deceased. Appellant has sought enhancement of compensation granted by the Motor Accident Claims Tribunal (for short "the Tribunal"), Rupnagar vide award dated 03.02.2011.

2. Facts, in brief, leading to the filing of the appeal are that on 05.11.2008, Utsav Guleria was travelling on a motorcycle to Chandigarh College of Hospitality, where he was pursuing BHMCT



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course. A truck bearing registration no. PB-12-A-2336 which was being carelessly driven by Kuljit Singh- respondent No.1, came from the opposite side at a high speed and collided with the motorcycle. As a result of the impact, Utsav Guleria fell on the road and sustained multiple injuries. He was taken to the Civil Hospital Kharar from where he was referred to PGI Chandigarh and he succumbed to the injuries on the same day. An FIR No.378 dated 05.11.2008 (Ex.C8) was lodged under section 279, 304-A IPC at Police Station kharar Distt. SAS Nagar, Mohali. Claimant filed a petition under MV Act for grant of compensation on account of death of Utsav Guleria, which has been partly accepted vide impugned award dated 03.02.2011 and she has been granted compensation of Rs.5,54,000/-. The owner, driver as well as the insurance company have been held liable to pay the compensation, alongwith interest @ 7.5% p.a., 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 Kuljit Singh, which resulted in the death of Utsav Guleria. Tribunal found that the driver of the offending vehicle was holding a valid driving license and the vehicle was insured with respondent no.3.

5. Compensation was assessed by assuming the notional



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income of the deceased, who was 22 years of age as Rs.4,000/- per month. Deceased was a bachelor and pursuing a BHMCT course. In **Santosh Kumari and others Versus Purshotam Singh and others, 2015 (2) ACC 788**, this Court considered the notional income of a 19 years old 2nd year student pursuing a Diploma in Engineering, who died in an accident on 06.09.2005, as Rs.7,000/- per month. On the same analogy, income of the deceased deserves to be increased to Rs.7,000/-. The deceased had only one dependent so, the dependency of 1/3rd applied by the tribunal towards personal expenses, does not require any alteration. Tribunal has erred in applying a multiplier of 17, which has to be increased to 18. Award towards funeral expenses and loss of estate requires to be enhanced in view of the judicial precedents. Tribunal has not considered future prospects of the deceased and has failed to grant compensation on account of loss of consortium to the widowed mother of the deceased.

6. 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 Company Ltd. Versus Parnay Sethi, (2017) 16 SCC 680** and **Magma General Insurance Company Ltd. Versus Nanu Ram @ Chuhru Ram and others, (2018) SCC 130**, claimant is entitled to enhanced award under conventional heads, for future prospects etc. This court is of the view that head-wise various computation of compensation deserves to be modified as below:



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Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.7,000/-
2	Future prospects	Rs.2,800 /- (40% of Rs.7,000/-)
3	Deduction towards personal expenditure 1/3rd	Rs. 9,800/- X 1/3
4	Total Monthly Income	Rs. 6,533/- (Rs. 9,800/- subtract Rs. 3267/-)
5	Multiplier	18
6	Annual dependency	Rs. 14,11,128/- (Rs. 6,533/- x 12 x 18)
7	Loss of Consortium	Rs. 48,000/-
8	Funeral expenses	Rs. 18,000/-
9	Loss of Estate	Rs.18,000/-
10	Total compensation	Rs. 14,95,128/-
11	Less: Award by MACT	Rs. 5,54,000/-
12	Enhancement	Rs. 9,41,128/-

9. Accordingly, appellant is entitled to an additional compensation of Rs.9,41,128/-, which shall be payable to the appellant with interest at the rate of 7.5% per annum from the date of the filing of the claim petition.

10. Appeal is disposed off.

11. As the appeal has been decided, pending application(s), if any, is/are disposed off.

(SUVIR SEHGAL)
JUDGE

01.04.2025

Brij

Whether reasoned/speaking : Yes/No

Whether reportable : Yes/No