



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH
227 **FAO-4582-2024 (O&M)**
Date of decision: 21.02.2025

Jatinder Singh

...Appellant(s)

Vs.

Jagroop Singh & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Amandeep Singh Manaise, Advocate
for the appellant.

NIDHI GUPTA, J.

Present appeal has been filed by the husband of the deceased Narinder Kaur seeking enhancement of compensation of Rs.20,93,000/- granted vide Award dated 23.07.2024 passed by Motor Accident Claims Tribunal, Gurdaspur in MACT Case No.14 of 13.02.2020 filed under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as "the Act").

2. The above said claim petition was not filed by the appellant; and was filed by the minor son of the appellant and the deceased through his maternal grandmother. The appellant was respondent No.3 in the said claim petition. Vide the impugned Award, the appellant had been granted 20% of the awarded amount; whereas 80% thereof was awarded to the claimant/minor son.

3. Learned counsel for the appellant submits that the awarded amount deserves to be enhanced as the income of the deceased has been taken on the lower side as only Rs.10,500/- per month. It is



submitted that the deceased was working as contractual Staff Nurse; and as per the testimony of CW1 Clerk, Primary Health Centre, Dhayanpur, the services of some other similarly situated employees as the deceased, had been regularised; who were thereafter drawing a salary of Rs.50,000/- per month. It was further admitted by CW1 that the case regarding regularisation of services of the deceased was pending with the Government. It is contended that therefore, income of the deceased ought to have been taken as Rs.50,000/- per month.

4. It is further submitted that nothing has been granted to the appellant by way of spousal consortium. It is also submitted that the share of the appellant/husband deserves to be enhanced from 20%.

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

6. I have heard learned counsel for the appellant and perused the case file in great detail.

7. It has been contended by the appellant that the case of regularisation of services of the deceased as a Staff Nurse was pending before the Government as stated by CW1 during his evidence. However, except for statement of CW1, admittedly no documentary evidence to this effect was brought on record by either the claimant, let alone the appellant to substantiate the said plea. In fact, no such plea was raised in the claim petition. There was nothing whatsoever on record to indicate that deceased even fulfilled the conditions for regularisation of her services. Even there was nothing to indicate that services of other



similarly situated employees had been regularised. Contention of the appellant to the effect that service of the other Nurses in the batch of the deceased had been regularised is also incorrect as, as per the record the deceased was appointed vide appointment letter dated 23.09.2011 (Ex.C1); whereas as per statement of CW1- Clerk it had been stated that employees of 2010 batch have been regularised. Thus, prayer of the appellant that income of the deceased be taken as ₹50,000/- per month, is rejected.

8. Further, as per the salary statement of the deceased (Ex.C2), the consolidated salary of the deceased was shown to be Rs.7,500/- and monthly salary as Rs.10,500/-. Accordingly, the learned Tribunal correctly took her income as Rs.10,500/- per month. Further, on the basis of Post-Mortem Report (Ex.C6), age of the deceased was established to be 33 years at the time of death. Although, the learned Tribunal has granted 50% towards future prospects, the same ought to have been 40%. After addition of 50%, future prospects, monthly income of the deceased was taken to be Rs.15,750/-. The learned Tribunal correctly made a deduction of $\frac{1}{3}^{\text{rd}}$ towards personal expenses; and correctly applied multiplier of 16. Thus, total loss of dependency comes to Rs.20,16,000/- ($\text{Rs.15,750/-} \times \frac{2}{3} \times 12 \times 16$). The learned Tribunal has further granted Rs.44,000/- towards parental consortium; and Rs.16,500/- each towards loss of estate and funeral expenses. Thus, granting a total compensation of Rs.20,93,000/-.



9. The appellant as respondent No.3 had admitted before the learned Tribunal that he is employed and getting salary of Rs.27,000/- per month. Nonetheless, the learned Tribunal had granted 80% of the compensation amount to the minor son/claimant and 20% to the appellant. I find no error whatsoever in the impugned Award.

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

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

21.02.2025

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No