

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****231****FAO-1290-2025(O&M)****Date of decision: 16.05.2025****Yogendra Kumar****...Appellant(s)****Vs.****Nand Kumar & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Shikha Yadav, Advocate for
Mr. Rahul Deswal, Advocate
for the appellant.

NIDHI GUPTA, J.

Present appeal has been filed by the claimant/husband of the deceased Rinki, seeking enhancement of compensation of Rs.26,54,400/- awarded by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as "the Tribunal"), vide Award dated 12.12.2024 passed in MACT Case No.636 dated 01.10.2021 filed under Sections 166 & 140 of the Motor Vehicles Act (hereinafter referred to as "the Act"). The sole claimant is the husband of the deceased Rinki. In the accident in question, the wife and daughter of the appellant had suffered injuries due to which they had died. A separate Claim Petition No.637 dated 01.10.2021 was filed by the appellant in respect of his deceased four year old daughter. The appellant was awarded Rs.3 lakh for the death of his daughter. Both the above-said Claim Petitions were disposed of by this common Award dated



12.12.2024. However, challenge in the present appeal is only qua the compensation awarded on account of death of wife of the appellant. The above said compensation was awarded along with interest @ 9% per annum.

2. Brief facts of the case are that the learned Tribunal on the basis of pleading and oral & documentary evidence adduced before it concluded that deceased Rinki/wife of the appellant had died due to the injuries suffered by her in a motor vehicular accident that took place on 22.08.2021 at about 6am due to the rash and negligent driving of truck bearing registration No.HR-45-B-8128 (hereinafter referred to as “the offending vehicle”) by respondent No.1. The offending vehicle was owned by respondent No.2 and insured by respondent No.3.

3. The only ground on which the learned counsel for the appellant assails the impugned Award is that out of the total compensation amount of Rs.26,54,400/-, the appellant has been held entitled for only 1/3rd share i.e. Rs.8,84,800/-. It is submitted that the remaining 2/3rd amount has been directed to be disbursed to the parents of the deceased Rinki. It is contended that this could not have been done given the fact that no Claim Petition has been filed by the parents of the deceased. In doing so, the learned Tribunal has placed reliance upon judgment of this Court in **FAO-7409-2015 titled as “Kamal Verma Vs. Jai Nand & Others” decided on 11.03.2019**. However, learned Tribunal has wrongly relied upon the said



judgment as the same is distinguishable on facts inasmuch as in the said case, the marriage between the parties was only of about one week; whereas in the present case, the appellant was married to the deceased for about 5 years. It is accordingly prayed that the impugned Award be modified and the entire compensation amount of Rs.26,54,400/- be released to the appellant.

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

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

6. The learned Tribunal had awarded compensation in respect of deceased Rinki/wife of the appellant in following manner:-

Sr. No.	Head	Amount
i)	Monthly notional income	Rs.9,000/-
ii)	Multiplicand (annualised by multiplier 12)	Rs.9,000/- x 12 = Rs.1,08,000/-
iii)	40% of (i) to be added as future prospects of annual income	Rs.1,08,000/- + Rs.43,200/- = Rs.1,51,200/-
iv)	Multiplier (deceased between 26 to 30 years) as per Sarla Verma's ruling	17
v)	Loss of dependency (Rs.1,51,200/- x 17)	Rs.25,70,400/-
vi)	Loss of estate	Rs.18,000/-
vii)	Funeral expenses	Rs.18,000/-
viii)	Consortium for claimants	Rs.48,000/-
	Total	Rs.26,54,400/-

7. The learned Tribunal had further reasoned as follows:-

"31. However, since during the arguments it was informed by learned counsel for claimant that parents of deceased Rinki are also alive but they have not been made claimants in this



*case. It is appropriate to note that compensation cannot be a bonanza, source of profit or largesses. Equally true is that the Tribunal has an obligation to assess just and reasonable compensation. Deceased in this case was only aged 30 years and was having only one daughter who has already expired and claimant is already in service. In the given circumstances, loss of dependency is required to be assessed in the light of the present case. Claimant/husband is, therefore, entitled only for 1/3rd share of the compensation amount i.e. 1/3rd of 25,54,400/- i.e ₹8,84,800/- Reference in this regard is made on **United India Insurance Company Limited vs. Kamal Verma & Ors., FAO no.7409 of 2015 (P&H).**”*

8. Learned counsel for the appellant has sought to distinguish the above-said judgment in **Kamal Verma (Supra)** on facts by submitting that the length of marriage in both the cases was different. However, the said argument of the appellant is misconceived. On a direct Court query, it has not been denied by learned counsel for the appellant that parents of the deceased in Supra case were alive. As per the provision of section 166 of the Act, ‘Legal representatives’ are entitled to compensation. Parents of the deceased are very much legal representatives as per law. Reference may be made to judgment of the Hon’ble Supreme Court in **“Sadhana Tomar & Others Vs. Ashok Khushwaha & Others”** Law finder doc ID # 2705152, wherein it has been held that: –



“B. Motor Vehicles Act, 1988 Section 166 - Definition of "legal representative" - Court held that father and younger sister of deceased are legal representatives eligible for compensation, even if not financially independent - MV Act calls for a liberal interpretation to ensure just and fair compensation.

9. Further, relevant part of Para 13 of the afore-said judgment is as follows:-

*“13...This Court in **Gujarat SRTC v. Ramanbhai Prabhatbhai [(1987) 3 SCC 234]**, observed that a legal representative is one, who suffers on account of death of a person due to a motor vehicle accident and need not necessarily be a wife, husband, parent or child.”*

10. As such, I find no error in the impugned Award. Moreover, it may also be pointed out that the above-said judgment in **Kamal Verma (Supra)** has been upheld by the Hon’ble Supreme Court vide order dated 1.7.2019 passed in SLP (C) nos. 12392–12393 of 2019 titled as ‘Kamal Verma versus United India Insurance Company Limited and others.’

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

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

16.05.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No