

**FAO-6654-2015 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH****(247)****FAO-6654-2015 (O&M)  
Date of decision:- 02.07.2025****Kalpna and others****... Appellants****Versus****Rakesh Tiwari and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Arvind Kumar Yadav, Advocate  
for the appellants.

Service of respondents No.1 and 2 was ordered to be dispensed  
with by this Court vide order dated 08.02.2023.

Mr. Banni Thomas, Advocate  
for the respondent No.3-insurance company.

\*\*\*\*

**SUVIR SEHGAL, J. (ORAL)**

1. Instant appeal has been filed under the Motor Vehicles Act, 1988, (for brevity "MV Act") by the legal representatives of Prem Kumar Vashney-deceased. Appellants have sought enhancement of compensation awarded by the Motor Accident Claims Tribunal (for short "the Tribunal"), Rewari, vide award dated 16.04.2015.
2. Facts, leading to the filing of the appeal, are that on 15.03.2014, after completing assigned work, Prem Kumar Vashney was returning to Bhiwadi on a motorcycle with Abdul Kadir as the pillion rider. A bus bearing registration No. DL-1-PC-4601 came from Dharuhera side, which was



**FAO-6654-2015 (O&M)**

**-2-**

being rashly driven by respondent No.1, and collided with the motorcycle. Prem Kumar Vashney was crushed under the tyre of the bus and sustained grievous injuries. He was taken to CHC, Bhiwadi, where he was declared dead. An FIR, Ex.P4, No.122 dated 15.03.2014 under Sections 279, 304-A IPC was lodged at Police Station, Dharuhera. Claimants filed a petition under Section 166 of the MV Act, claiming compensation on account of the unfortunate death, which has been partly accepted and they have been granted compensation of Rs.17,94,052/-. Respondents have been held jointly and severally liable to pay the amount, along with interest @ 6% per annum 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 by respondent No.1 and Prem Kumar Vashney died in the vehicular accident. Tribunal found that respondent No.1 had a valid driving license, Ex.R1, and offending vehicle was fully insured under insurance policy, Ex.R3.

5. Compensation was assessed by considering the income of the deceased as Rs.16,000/-, by adding basic pay of Rs.12,000/- and HRA of Rs.4,000/-, relying on the statement of PW3 and supporting documentary evidence which establishes that the deceased was employed with Heat Max Engineering Company. However, this assessment is on the lower side and deserves to be enhanced to Rs.18,000/- per month, as per salary certificates,



**FAO-6654-2015 (O&M)**

**-3-**

Ex.PW3/A and Ex.PW3/B, respectively, clearly show that the deceased was drawing a monthly salary of Rs.17,990/-. Deduction of 1/3rd towards personal and living expenses has been rightly made as the deceased was survived by three dependents. Tribunal has also correctly applied the multiplier of 13, considering the age of the deceased as 48 years at the time of the accident. However, no addition has been made towards future prospects, which is required to be granted at 25%, keeping in view the age of the deceased, as per settled legal position. The sum of Rs.1,00,000/- awarded under the head of loss of consortium is to be enhanced to Rs.1,44,000/-, i.e., Rs.48,000/- for each of the three dependents. The amount of Rs.5,000/- awarded under the head of loss of estate is enhanced to Rs.18,000/-, and the amount of Rs.25,000/- awarded towards funeral expenses is reduced to Rs.18,000/-.

6. In the light of the guidelines laid down by the Supreme Court in **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, (2009) 6 SCC 121**, **National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680** and **Magma General Insurance Co. Ltd. Versus Nanu Ram alias Chuhru Ram and others, (2018) 18 SCC 130**, claimants are entitled to an enhanced award. This court is of the view that head-wise computation deserves to be modified as below: -

<b>Sr. No.</b>	<b>Heads</b>	<b>Compensation Awards</b>
1	Monthly Income	Rs.18,000/-
2	Deduction towards personal expenditure 1/3	Rs.6,000/- (Rs.18,000/- x 1/3)
3	Future prospects	Rs.3,000/- (25% of Rs.12,000/-)



FAO-6654-2015 (O&amp;M)

-4-

4	Total Monthly Income	Rs.15,000/- (Rs.12,000/- addition Rs.3,000/-)
5	Multiplier	13
6	Annual dependency	Rs.23,40,000/- (Rs.15,000/- x 12 x 13)
7	Loss of Consortium	Rs.1,44,000/- (Rs.48,000/- payable to each of the three dependants)
8	Funeral expenses	Rs.18,000/-
9	Loss of Estate	Rs.18,000/-
10	Total compensation	Rs.25,20,000/-
11	Less: Award by MACT	Rs.17,94,052/-
12	Enhancement	Rs.7,25,948/-

7. Accordingly, appellants are held entitled to an additional compensation of Rs.7,25,948/-, which shall be payable by the respondents with interest at the rate of 7.5% per annum from the date of the filing of the claim petition.

8. Appeal is disposed of.

9. As the main appeal has been decided, pending application(s), if any, is/are disposed of.

**(SUVIR SEHGAL)**  
**JUDGE**

02.07.2025  
Kamal

Whether Speaking/Reasoned	Yes/No
Whether Reportable	Yes/No