

FAO-326-2022 (O&M)

2025:PHHC:123304



FAO-5675-2023 (O&M)

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

Date of decision : 28.08.2025

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FAO-326-2022 (O&M)

PEPSU Roadways Transport Corporation, Bathinda Depot

..... Appellant

Versus

Piyari Devi Rawat & ors.

..... Respondents

**CM-19314-CII-2023 in/and
FAO-5675-2023 (O&M)**

Piyari Devi Rawat & ors.

..... Appellant

Versus

PEPSU Roadways Transport Corporation, Bathinda Depot
and anr.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Yuvraj Dhananjaya, Advocate
for the appellant- **FAO-326-2022.**

Mr. Chetan Goyal, Advocate
for the claimants- **FAO-326-2022.**
for the appellants- **FAO-5675-2023**

Ms. Harmanpreet Kaur, Advocate for
Mr. Amandeep Chhabra, Advocate
for respondent No.5- **FAO-326-2022**

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FAO-5675-2023 (O&M)

Mr. Anil Kumar Sharma, Advocate
for respondent No.1- FAO-5675-2023

PANKAJ JAIN, J. (ORAL)

CM-19314-CII-2023 in FAO-5675-2023

This is an application seeking condonation of delay of 475 days in filing the present appeal.

For the reasons recorded in the application, this Court is satisfied that the applicants-appellants have shown sufficient cause to condone the delay in filing the appeal.

Application is allowed. Delay of 475 days in filing the appeal is condoned.

Main cases

1 These are cross appeals directed against award dated 26.08.2021 passed by The Motor Accident Claims Tribunal, Patiala, whereby the claim petition filed by the claimants bearing **FAO-5675-2023** has been allowed holding them entitled to compensation of Rs.16,21,726.39 on account of death of Rachender Singh Rawat @ Rachinder Singh Rawat in a motor vehicular accident dated 04.09.2018. The owner is in appeal bearing **FAO-326-2022** aggrieved of findings recorded by the Tribunal on issue No.1. Claimant is aggrieved of the calculation error committed by the Tribunal in ascertaining and assessing the compensation payable.

2 **FAO-326-2022** is at the behest of the owner of the vehicle, counsel for the appellant asserts that the eyewitness CW3, Bhagwati

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Prashad, was examined by the claimants, to prove the accident in question is not an eyewitness to occurrence and thus his testimony should not have been relied upon by the Tribunal to return finding on issue No.1. However, counsel for the appellant is not in a position to dispute that FIR was registered *qua* the occurrence. The same was proved on record as Ex.C1. The same led to filing of police report under Section 173 Cr.P.C. for which driver of the offending vehicle faced criminal trial. The best person to dislodge the version of the claimants and version recorded in FIR was driver of the offending vehicle, Gurdeep Singh-respondent No.5 in FAO-326-2022. He opted not to appear in the witness box. No effort was made by the owner to examine the driver of the vehicle. In view thereof, the evidence brought on record by the claimants, remained unrebutted. Accordingly, no fault can be found with the finding recorded by the Tribunal on issue No.1. Appeal preferred by the owner bearing **FAO-326-2022** is ordered to be dismissed.

3 Counsel for the claimants has drawn attention of this Court to the computation of compensation made by the Tribunal as tabulated in para No.31 of the impugned award. He submits that in order to ascertain the multiplicand, the Tribunal was required to deduct the loss of dependency from the total income of the deceased and thereafter multiply the same by multiplier of 9. The Tribunal instead of subtracting 1/4th of the income on account of personal expenses from the total income has taken the personal expenses as the multiplicand and multiplied the same with the multiplier of 9.



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4 Counsel for the respondents is not in a position to dispute the error pointed out by the counsel for the claimants.

5 The compensation is accordingly modified as under :-

SN	Heads	Calculation
1.	Income per annum 47653 x 12 =	Rs.5,71,836/-
2.	Loss of Income Tax Rs.22,763/-	Rs.5,71,836 – 22,763 = Rs.5,49,073/-
3.	Future prospects 15%	Rs.82,360.95/-
4.	Loss of dependency ¼	Rs.1,57,858.488/-
4A	Multiplicand = Rs.5,71,836/- - Rs.1,57,858/-	Rs.4,13,978/-
5.	Multiplicand and multiplier Rs.4,13,978/- x 9	Rs.37,25,802/-
6.	Loss of Filial Consortium	Rs.44,000/- (payable to claimant no.4)
7.	Loss of parental consortium	Rs.80,000/- (payable to claimants No.2 & 3)
8.	Loss of Spousal consortium	Rs.44,000/- (payable to claimant No.1)
9.	Loss of Estate	Rs.16,500/-
10.	Funeral expenses	Rs.16,500/-
11.	Total	Rs.57,01,908.438/-

6 With the aforesaid modification in the award, the present appeal bearing FAO-5675-2023 stands disposed off.

7 Pending miscellaneous application, if any, also stands disposed off.

8 Photocopy of this order be placed on the connected file.

28.08.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No