

2025:PHHC:136373



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

212

FAO-175-2009

Date of Decision: 03.07.2025

Smt. Santosh and others

....Appellants

Versus

Kamal Singh and another

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS SURI

Present: Mr. Jasbir Singh Mor, Advocate
Mr. Virender Gill, Advocate
for the appellants.

Mr. Abhishek Goyal, Advocate for
Mr. Pardeep Goyal, Advocate for respondent No.2.

VIKAS SURI, J. (Oral)

1. The present appeal has been filed by the claimants seeking enhancement of compensation of Rs. 3,76,000 awarded by Motor Accident Claims Tribunal, Jind, vide Award dated 23.10.2008 passed in claim petition bearing M.A.C.T Case No. 38 of 2007, filed under section 166 of the Motor Vehicles Act, 1988. The three claimants are the widow and minor sons of the deceased Shrawan Singh @ Swaran Singh.

2. There is no dispute with regard to the occurrence of the accident, involvement of vehicle and the correctness of the finding with regard to rash



and negligent driving.

3. Brief facts of the case are that the learned Tribunal, on the basis of pleadings and oral and documentary evidence produced before it, concluded that deceased Shrawan Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 2.3.2007 due to rash and negligent driving of tractor bearing registration no. HR-39-6631 (hereinafter referred to as the offending vehicle). The offending vehicle was owned by Respondent no.1, being the driver-cum-owner, and was insured by Respondent no.2. Learned Tribunal awarded the above compensation along with interest at the rate of 7.5 % per annum and both the respondents were held jointly and severally liable to pay the amount.

4. Feeling aggrieved by the extent of compensation, so granted, the appellant/claimants have filed the present appeal.

5. At the time of accident, the age of deceased was taken as 35 years on the basis of post mortem report (Ex. P1) and deposition of claimant-widow. Since the claimant could not prove income of the deceased, his income was taken as Rs. 3000/- per month. Keeping in view the number of dependents, deduction of 1/3rd was made and keeping in view the age of deceased, multiplier of 14 was applied. Rs. 20,000/- was awarded to the widow on account of loss of consortium and another sum of Rs. 20,000/- on account of funeral expenses.

6. Learned counsel for the appellants-claimants would contend that though he does not challenge the income of the deceased and the deduction assessed by the Tribunal, however the multiplier has been wrongly applied as



'14' in as much as the deceased was 35 years of age, which was duly proved by the post mortem report and hence a multiplier of '16' should be applied in the present case. Learned counsel would further contend that the Tribunal has not made any addition towards future prospects which ought to have been 40%. It has further been contended that the amounts awarded under the conventional heads as well as under the head of 'loss of consortium' are also not in accordance with the law. In support of his contentions, he has relied upon the judgments of Hon'ble Supreme Court in the cases of ***Sarla Verma & Ors. v. Delhi Transport Corporation & Anr., (2009) 6 SCC 121; National Insurance Company Ltd. v. Pranay Sethi & Ors., (2017) 16 SCC 680; Magma General Insurance Company Limited v. Nanu Ram alias Chuhru Ram & Ors., (2018) 18 SCC 130 and United India Insurance Company Ltd. v. Satinder Kaur @ Satwinder Kaur and Ors., (2021) 11 SCC 780.***

7. *Per contra*, learned counsel for respondent no.2- insurance company would contend that sufficient amount has already been awarded, however, he is not in a position to controvert the legal principles laid down by the Apex court in the aforementioned judicial precedents, or to dispute the fact that the same continue to hold the field.

8. Heard.

9. In the present case, no appeal has been filed by respondent no.2, insurance company. Since there is no challenge to the income of the deceased and the deduction, as assessed by the tribunal, the same are accordingly maintained. As per the post mortem report, the deceased was 35 years of age at the time of accident. As per the law laid down by the Hon'ble Supreme



Court in the case of **Sarla Verma** (*supra*), multiplier of '16' would be applicable. Further, the Tribunal has not made any additions towards loss of future prospects. Keeping in view the age of deceased, an addition of 40% would have to be made towards loss of future prospects, as per the law laid down by Hon'ble Supreme Court in the case of **Pranay Sethi** (*supra*). Further, the amounts awarded under the conventional heads as well as under the head 'loss of consortium' are also not in accordance with the law laid down by the Hon'ble Supreme Court in **Pranay Sethi** (*supra*), **Magma General Insurance Company Limited** (*supra*) and **Satinder Kaur** (*supra*). The appellants-claimants are also entitled to Rs. 18,000/- (Rs.15,000/- + 20% increase) towards loss of estate and Rs. 18,000/- (Rs.15,000/- + 20% increase) towards funeral expenses. The appellants-claimants would further be entitled to Rs. 48,000/- each (Rs. 40,000 + 20% increase) towards loss of consortium.

10. Hence, the total amount of compensation is recalculated as under :-

Sr. No.	Details of various heads	Amount awarded by the Tribunal	Amount awarded by the High Court
1.	Income	Monthly : Rs. 3000/- Annual : Rs. 36,000/-	Monthly : Rs. 3000/- Annual : Rs. 36,000/-
2.	Deduction	1/3 rd	1/3 rd (-12,000) = 24,000
3.	Future Prospects	NIL	(40 %) 24000 + 9600 = 33,600
4.	Multiplier	14	(16) 33,600 x 16 = 5,37,600
5.	Loss of estate	Nil	Rs. 18,000/-
6.	Funeral expenses	Rs. 20,000/-	Rs. 18,000/-



7.	Loss of consortium	Parental – Filial – Spousal – Rs. 20,000/-	Parental - 48,000 x 2 = 96,000 Filial – Spousal – 48,000 Total = Rs. 1,44,000
	Total compensation	Rs. 3,76,000/-	Rs. 7,17,600/-
7,17,600 – 3,76,000 = 3,41,600/-			

11. The enhanced amount of compensation shall be payable along with interest at the rate of 7.5% per annum from the date of filing of claim petition till its realization.

12. In view of the above discussion, the award passed by the Tribunal is modified and the present appeal stands allowed accordingly.

July 03, 2025
Varinder

(VIKAS SURJ)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No