



**FAO-1928-2009 (O & M)**

**-1-**

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

**218**

**FAO-1928-2009 (O & M)  
Date of decision:12.05.2025**

**RAJ KAUR & ORS.**

**...APPELLANTS**

**VS.**

**KULWANT SINGH & ORS.**

**...RESPONDENTS**

**CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

**Present:** Mr. Rajeev Dev Sharma, Advocate  
for the appellants.

Mr. Gurvinder Singh Khattrra, Advocate for  
Mr. Sunil Agnihotri, Advocate  
for respondent No.1.

None for respondent No.2, despite service.

Mr. Raj Kumar, Advocate  
for respondent No.3.

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**SUVIR SEHGAL, J.**

**CM-9830-CII-2009**

1. For the reasons given in the application, it is allowed.
2. Delay of 64 days in re-filing of the appeal is condoned.

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3. Mr. Gurvinder Singh Khattrra, Advocate for Mr. Sunil Agnihotri, Advocate has put in appearance on behalf of respondent No.1 and has filed Vakalatnama, which is taken on record.



4. Mr. Raj Kumar, Advocate has put in appearance on behalf of respondent No.3 and has filed Power of Attorney, which is also taken on record.

5. Instant appeal has been filed under the Motor Vehicles Act, 1988 (for brevity "MV Act") by the legal representatives of Jasbir Singh-deceased. Appellants have sought enhancement of compensation awarded by the Motor Accident Claims Tribunal (for short "the Tribunal"), Gurdaspur, vide award dated 12.06.2008.

6. Facts leading to the filing of the appeal are that on 04.05.2006, Jasbir Singh was riding pillion on a motorcycle being driven by Manjit Singh. A Mahindra pickup jeep bearing registration number PB-06F-2258 being rashly driven by respondent No.1 came from the opposite direction and rammed into the motorcycle. Both the riders of the motorcycle fell on the road and sustained multiple injuries. Jasbir Singh was rushed to Civil hospital, Mukerian where he succumbed to his injuries. An FIR No.33 dated 05.05.2006, Ex.A3, was lodged at Police Station, Khanuwan under Sections 304-A, 279, 338, 427 IPC. Claimants filed a petition under Section 166 of the MV Act, 1988 claiming compensation on account of the death of Jasbir Singh, which has been partly accepted and they have been granted compensation of Rs.1,60,000/-. The owner, driver as well as the insurance company have been held liable to pay the compensation, alongwith interest @ 6 % p.a., from the date of filing of the claim petition.

7. I have heard counsel for the parties and have considered their respective submissions.



8. On the basis of the evidence adduced, Tribunal has come to the conclusion that the accident took place on account of rash and negligent driving by respondent No.1, driver of the jeep, and Jasbir Singh died in the motor vehicle accident. Tribunal found that the driver of the offending vehicle was holding a valid driving license Ex.A9 and the vehicle was insured under insurance policy Ex.A8.

9. Compensation was assessed by assuming the income of the deceased, who was 22 years old, as a daily wage earner at Rs.100/- per day for 25 days a month, that is, to Rs.2,500/- per month which is appropriate. Tribunal has applied a multiplier of 8, which deserves to be modified and enhanced to 18 in view of the age of the deceased as per the settled legal position in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, (2009) 6 SCC 121**. Further, the Tribunal has deducted 1/3<sup>rd</sup> of income towards personal and living expenses of the deceased, which also deserves to be altered to 1/2 as the deceased was a bachelor. Tribunal has neither considered future prospects of the deceased nor awarded any amount under the conventional heads.

10. In the light of the principles laid down by the Supreme Court in **Smt. Sarla Verma's case (supra), 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 award under conventional heads, for future prospects, etc. This court is of the view that head-wise various computation of compensation deserves to be modified as below:-



Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.2,500/-
2	Deduction towards personal expenditure 1/2 <sup>th</sup>	Rs.1,250/- (Rs.2,500/- x 1/2)
3	Future prospects	Rs.500/- (40% of Rs.1,250/-)
4	Total Monthly Income	Rs.1,750/- (Rs.1,250/ + Rs.500/-)
5	Multiplier	18
6	Annual dependency	Rs.3,78,000/- (Rs.1,750/- x 12 x 18)
7	Loss of Estate	Rs.18,000/-
8	Funeral expenses	Rs.18,000/-
9	Loss of consortium	Rs.1,92,000/- (Rs.48,000/- payable to each of the four dependants)
10	Total compensation	Rs.6,06,000/-
11	Less: Award by MACT	Rs.1,60,000/-
12	Enhancement	Rs.4,46,000/-

11. Accordingly, the appellants are held to an additional compensation of Rs.4,46,000/-, which shall be payable to by the respondents with interest at the rate of 7.5 % per annum from the date of the filing of the claim petition.

12. Appeal is disposed off.

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

12.05.2025

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

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No