



FAO-2682-2022

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

(269-1)

FAO-2682-2022

Date of decision:- 05.05.2025

Kamlesh and another

... Appellants

Versus

Anuj and another

... Respondents

(269-2)

FAO-4293-2022 (O&M)

Aakash

... Appellant

Versus

Anuj and another

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Chanderrhas Yadav, Advocate
for the appellant(s) in both cases.

Mr. Nikhil Sabharwal, Advocate
for respondent No.2-insurance company in both cases.

SUVIR SEHGAL, J. (ORAL)

1. This order shall dispose of both the above noted appeals as they arise out of a common award passed by the Motor Accident Claims Tribunal, Jhajjar (for short "Tribunal"). For the sake of convenience, factual matrix is being taken from FAO-2682-2022.
2. Instant appeal has been filed under the Motor Vehicles Act, 1988, (for brevity "MV Act") by the legal representatives of Ravi-deceased. Appellants have sought enhancement of compensation awarded by Tribunal, vide award dated 07.03.2022.

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3. Facts leading to the filing of the appeal, are that on 13.04.2019, Ravi and his friend, Aakash, were taking a motorcycle to an agency at Dulhera on foot, as it had failed to start. Meanwhile, his brother Bijender, proceeded towards Dulhera on another vehicle. Shortly thereafter, Bijender received information that an auto bearing registration No. HR-63D-6295, being rashly driven by respondent No.1, coming from the opposite side, had hit Ravi and Aakash. Both the injured were taken to General Hospital, Jhajjar, and later referred to PGIMS, Rohtak. However, Ravi succumbed to the injuries on the way to the hospital and Aakash remained hospitalised from 13.04.2019 to 20.04.2019. An FIR, Ex.P-7, No.98 dated 14.04.2019 was lodged by Bijender under Sections 279, 337 and 304-A IPC at Police Station, Badli. Appellants filed a petition under Section 166 of the MV Act, claiming compensation on account of the death of Ravi, which has been partly accepted vide award dated 07.03.2022 and they have been granted compensation of Rs.13,64,664/-. 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.

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

5. On the basis of the evidence adduced, including testimony of injured, Aakash, Tribunal has come to the conclusion that the accident took place on account of rash and negligent driving by respondent No.1 and Ravi died in the vehicular accident. Tribunal found that respondent No.1 had a valid driving license, Ex.R2/Ex.R4, and offending vehicle was fully insured under insurance policy, Ex.R1/Ex.R8.

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6. In FAO-2682-2022, compensation was assessed by considering the income of the deceased, Ravi, as Rs. 8,827/- per month by relying on the minimum wages notification issued by the Government of Haryana for the year 2019. However, this assessment is incorrect and deserves to be enhanced. As per salary-certificate, Ex.P-8, and copies of the attendance register, Ex.P-9 to Ex.P-12, it is clearly established that the deceased was working as Service Manager with M.S. Motors. Yogesh (PW4), Manager at M.S. Motors has deposed on the basis of summoned record that deceased was receiving a monthly salary of Rs. 12,000/-. There is no reason to disbelieve this witness as private firms often engage employees without issuing an appointment letter and pay salaries in cash. This Court, therefore, holds that the income of the deceased was Rs. 12,000/- per month. Tribunal applied a multiplier of 18 and added 40% towards future prospects, considering that the deceased was 22 years of age at the time of the accident. A deduction of 1/2 from monthly income towards personal expenses was also made as the deceased was a bachelor. These figures do not require any alteration as per legal position settled in *Smt. Sarla Verma and others vs. Delhi Transport Corporation and another*, (2009) 6 SCC 121.

7. In the light of the guidelines 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 an enhanced award. The Court is of the view that head-wise computation deserves to be modified as below:-



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Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.12,000/-
2	Future prospects	Rs.4,800/- (40% of Rs.12,000/-)
3	Deduction towards personal expenditure 1/2	Rs.8,400/- (Rs.16,800/- x 1/2)
4	Total Monthly Income	Rs.8,400/- (Rs.16,800/- subtract Rs.8,400/-)
5	Multiplier	18
6	Annual dependency	Rs.18,14,000/- (Rs.8,400/- x 12 x 18)
7	Loss of Consortium	Rs.96,000/- (Rs.48,000/- payable to each of the 2 dependants)
8	Funeral expenses	Rs.18,000/-
9	Loss of Estate	Rs.18,000/-
10	Total Compensation	Rs.19,46,400/-
11	Less: Award by MACT	Rs.13,64,664/-
12	Enhancement	Rs.5,81,736/-

8. In view of the judgment of the Supreme Court in ***Sidram Versus The Divisional Manager, United India Insurance Co. Ltd. and Anr. (2023) 3 SCC 439***, claimants are entitled to Rs.25,000/- towards litigation expenses.

9. Accordingly, the appellants are entitled to an additional compensation of Rs.6,06,736/- (Rs.5,81,736/- + Rs.25,000/-), 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.

10. In ***FAO-4293-2022***, claimant, Aakash, injured, has claimed an amount of Rs.30,00,000/- on account of injuries sustained by him in the vehicular accident and Rs.2,50,000/- on account of transportation and medical expenses. He has appeared in the witness box as PW-2 and tendered his affidavit, PW-2/A stating that he is 21 years of age and is earning Rs.20,000/- and is employed as a cook. He has also produced Amit Kumar, PW-5, who is a



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registered owner of a cab, to depose that an amount of Rs.5280/- was spent on transportation of the injured to the hospital. Sachin, PW-6 and Prikshit, PW-7, have produced the record of medical treatment and bills of medicines purchased by the injured. It is evident from the record that Aakash remained hospitalised for about 8 days from 13.04.2019 to 20.04.2019 at PGIMS, Rohtak and underwent treatment as an outdoor patient. It could not be disputed that the treatment at PGIMS, Rohtak is without any charges, although the claimant had spent on the purchase of medicines. Bills of Rs.1,22,954/-, Ex.P-16 to Ex.P-22, have been produced in evidence by Sachin, PW-6, but there is no corresponding medical prescription. Some of the transportation bills produced have been issued in the name of Narinder and do not pertain to the claimant. Considering the hospitalization of eight days, expenditure on medicines, pain and suffering etc., Tribunal has awarded an amount of Rs.45,000/-, which is just and adequate. No material has been brought on the record to show that the injured suffered any permanent disability. There is no scope of enhancement in the compensation awarded to him and the appeal filed by him deserves to be dismissed.

11. As a result, FAO-2682-2022 is disposed off and FAO-4293-2022 is dismissed.

12. As the main appeals have been decided, pending application(s), if any, is/are disposed off.

05.05.2025

Kamal

(SUVIR SEHGAL)
JUDGE

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