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

(255)

FAO-6342-2019

Date of decision:- 02.04.2025

Ram Kali and others**... Appellants****Versus****Sham Lal and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. Vishal Gupta, Advocate
for the appellants.

Mr. Rohit Kataria, Advocate
for respondent No.3-insurance company.

SUVIR SEHGAL, J. (ORAL)

1 Mr. Rohit Kataria, Advocate has put in appearance on behalf of respondent No.3-insurance company and has filed Memorandum of Appearance, which is taken on record.

2 Instant appeal filed under section 173 of the Motor Vehicles Act, 1988 (for brevity, "MV Act") by the legal representatives of Bikram Singh-deceased. Appellants have sought enhancement of compensation granted by the Motor Accident Claims Tribunal (for short "the Tribunal"), Rupnagar vide award dated 01.07.2019.

3 Facts, in brief, leading to the filing of the appeal are that on 25.09.2018, Bikram Singh was travelling to his work place on a Activa scooter. A truck bearing registration No. HP-12-H-9137, which was being carelessly driven by Sham Lal- respondent No.1, came from behind and struck the

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scooter. Due to collision, Bikram Singh fell and was crushed under the tyre of the truck. He was taken to the Civil Hospital, Anandpur Sahib, where he was declared as brought dead. An FIR No.110 dated 25.09.2018 was lodged under Sections 279, 304-A and 427, IPC at Police Station Kiratpur Sahib. Appellants filed a claim petition under Section 166 of the MV Act claiming compensation on account of death of Bikram Singh, which has been partly accepted vide award dated 01.07.2019 and they have been granted compensation of Rs.12,88,372/-. Respondents were jointly and severally held liable to pay the compensation, along with interest at the rate of 7.5% per annum, from the date of filing of the claim petition.

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

5 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 of offending truck by Sham Lal, which resulted in the death of Bikram Singh. Tribunal found that respondent No.1 had a valid driver's license, Ex.R2, and offending vehicle was fully insured under insurance policy, Ex.R1/Ex.R7.

6 Tribunal has rightly assessed the income of the deceased, who was 55 years of age as Rs.10,800/- per month. Deceased was working as a Sweeper at a petrol pump in Chamrauli. Appellants-claimants had examined Tarsem Kumar (PW3), manager of Jai Durga Filing Station, where the deceased was employed. He deposed that deceased was drawing a salary of Rs.10,800/- per month, which was paid through his bank account. He produced on record his authorisation letter, Ex.PW3/A, salary certificate of deceased, Ex.PW3/B, and



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bank statement of Filing Station, Ex.PW3/C, as well as of deceased, Ex.PW3/D. The dependency of 1/3rd applied by the Tribunal towards personal expenses, deserves to be accordingly reduced to 1/4th as deceased had four dependents. Multiplier of 11 has been correctly applied, in view the age of the deceased, which does not require any change. Tribunal has considered future prospects of the deceased as 15% which is fair. An award of Rs.40,000/- each on the account of loss of consortium to the claimants, Rs.15,000/- for funeral expenses and Rs.15,000/- towards loss of estate, deserves to be enhanced.

7 In the light of the principles 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 increased award under conventional heads, 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.10,800/-
2	Future prospects	Rs.1,620/- (15% of Rs.10,800/-)
3	Deduction towards personal expenditure 1/4	Rs.12,420/- x 1/4
4	Total Monthly Income	Rs.9,315/- (Rs.12,420/- subtract Rs.3,105/-)
5	Multiplier	11
6	Annual dependency	Rs.12,29,580/- (Rs.9,315/- x 12 x 11)
7	Loss of Consortium	Rs.1,92,000/- (48,000 x 4)
8	Funeral expenses	Rs.18,000/-

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9	Loss of Estate	Rs.18,000/-
10	Total compensation	Rs.14,57,580/-
11	Less: Award by MACT	Rs.12,88,372/-
12	Enhancement	Rs.1,69,208/-

8 Accordingly, appellants are entitled to an additional compensation of Rs.1,69,208/-, which shall be payable to the appellants with interest at the rate of 7.5 % per annum, from the date of the filing of the claim petition.

9 Appeal is disposed off.

(SUVIR SEHGAL)
JUDGE

02.04.2025
Kamal

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