



FAO-6083-2019 (O & M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-6083-2019 (O & M)
Date of decision:11.02.2025

DALJIT KAUR& ORS.

...APPELLANTS

VS.

DALJIT SINGH @ DALJEET SINGH & ANR.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Kushagra Mahajan, Advocate &
Mr. Gaurav Jaglan, Advocate
for the appellants.

None for the respondents.

SUVIR SEHGAL, J.

CM-20165-CII-2019

1. For the reasons given in the application, it is allowed.
2. Delay of 121 days in filing of the appeal is condoned.

Main Case

3. Instant appeal has been filed under the Motor Vehicles Act, 1988, (for short "MV Act") by the legal representatives of Amrik Singh-deceased. Appellants have sought enhancement of compensation granted by the Motor Accident Claims Tribunal (for short "the Tribunal"), Amritsar vide award dated 11.12.2018.



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4. Facts leading to the filing of the appeal are that on 22.05.2016, Amrik Singh alongwith other devotees including Lakhwinder Singh were travelling to Golden Temple, Amritsar in a Mahindra Pick Up. A truck tipper bearing No.PB-01-BV-8816 was parked on the road near Gurdwara Guru Ki Ber Boparari without any parking light or indicator and Mahindra Pick Up smashed in the tipper. As a result of the accident, Amrik Singh and some occupants of Mahindra Pick Up died and Lakhwinder Singh sustained multiple injuries. An FIR No.24 dated 22.05.2016, Ex.P2, was lodged at Police Station Mattewal, Amritsar. Appellants filed a claim petition under Section 166 of the MV Act claiming compensation on account of the accidental death of Amrik Singh, which has been partly accepted vide award dated 11.12.2018 and they have been granted compensation of Rs.9,19,000/- . Respondents have been jointly and severally liable to pay the same, along with interest @ 6% per annum from the date of filing of the claim petition.

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

6. On the basis of the evidence adduced, Tribunal has come to the conclusion that the accident took place on account of wrong parking of tipper by respondent No.1, who is its owner-cum-driver, and Amrik Singh died in the motor vehicle accident. The Tribunal found that respondent No.1 had a valid driver's license Ex.R1 and the offending vehicle was insured under insurance policy Ex.RX.



7. Compensation was assessed by assuming the income of the deceased, who was running M/S Padda Feed Store and was aged 57 years, as Rs.12,000/- per month. Claimants have produced the income tax returns of the deceased to establish the income of the deceased. Perusal of the income tax return (Mark-B) for the period ending 31.03.2015 shows that the deceased declared gross total annual income of Rs.3,94,821/- (i.e. Rs.32,901.75 p.m.) and paid an income tax of Rs.795/-. Income tax being a negligible amount can be ignored and monthly income of the deceased is determined at Rs.33,000/-/ (rounded-off).

8. In view of the judgment of the Supreme Court in *Smt. Sarla Verma and others Versus Delhi Transport Corporation and another, (2009) 6 SCC 121*, Tribunal has applied a deduction of 1/3 towards personal expenses from the monthly income as the deceased had three dependents. Tribunal applied a multiplier of 9, keeping in view the age of the deceased, which does not require any increase. However, Tribunal has not considered future prospects of the deceased.

9. In the light of the principles laid down by the Supreme Court in *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.33,000/-
2	Future prospects	Rs.3,300/- (10% of Rs.33,000/-)
3	Deduction towards personal expenditure 1/3	Rs.36,300/- X 1/3
4	Total Monthly Income	Rs.24,200/- (Rs.36,300/- subtract Rs.12,100/-)
5	Multiplier	9
6	Annual dependency	Rs.26,13,600/- (Rs.24,200/- X 12 X 9)
7	Loss of Consortium	Rs.1,44,000/- (48,000 X 3)
8	Funeral expenses	Rs.18,000/-
9	Loss of Estate	Rs.18,000/-
10	Total compensation	Rs.27,93,600/-
11	Less: Award by MACT	Rs.9,19,000/-
12	Enhancement	Rs.18,74,600/-

10. Accordingly, the appellants are held to an additional compensation of Rs.18,74,600/-, which shall be payable by both the respondents, jointly and severally, with interest at the rate of 6% per annum from the date of the filing of the claim petition.

11. Appeal is disposed off.

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

11.02.2025

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(SUVIR SEHGAL)
JUDGE

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