



***FAO-1395-2009 (O&M)***

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

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**FAO-1395-2009 (O&M)**

Date of decision: 13.05.2025

Sharanjit Kaur and others

.... Appellants

Vs.

Gurdev Singh and others

.... Respondents

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

Present:- Mr. Sunil Kumar Sharma, Advocate for the appellants.

None for respondents No. 1 and 2.

Mr. Lalit Attri, Advocate for

Mr. Pardeep Goyal, Advocate

for respondent No.3-Insurance Company.

**SUVIR SEHGAL J.**

**CM-7030-CII-2009**

1. Prayer in the application is for condonation of delay of 184 days in filing the appeal.

2. Noticing that appeal has been filed by the mother, widow and two minor children of the deceased, delay of 184 days in its filing is condoned.

3. CM is allowed. However, appellants shall not be entitled to interest on the enhanced compensation for a period of 184 days.

**Main case.**

4. Instant appeal has been filed under the Motor Vehicles Act, 1988, (for brevity "MV Act") by the legal representatives of Kamaljit



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Singh-deceased. Appellants have sought enhancement of compensation awarded by the Motor Accident Claims Tribunal (for short “the Tribunal”), Jhajjar, vide award dated 09.04.2008.

5. Facts, leading to the filing of the appeal, are that on 19.06.2005, Kamaljit Singh was returning home on his scooter after night duty at PSEB Sub Division, Sahnewal. When he stopped at a traffic signal, a truck bearing registration No. PB12C-3875, being rashly driven by respondent No.1, Gurdev Singh, jumped the traffic signal and struck the scooter from behind. Kamaljit Singh was crushed under the wheels of the truck and died on the spot. An FIR, Ex.AX, No.37, dated 19.06.2005 was lodged by Sher Singh, AW-2 under Sections 279, 427, 304-A IPC at Police Station, Sahnewal. Claimants filed a petition under Section 166 of the MV Act, claiming compensation on account of the death of Kamaljit Singh, which has been partly accepted and they have been granted compensation of Rs.4,35,000/-. Owner and driver of the offending vehicle as well as the insurance company 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.

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

7. On the basis of the evidence adduced, the Tribunal has come to the conclusion that the accident took place on account of rash and negligent driving by respondent No.1 and Kamaljit Singh died in the vehicular accident. Tribunal found that respondent No.1 had a valid



driving license and offending vehicle was fully insured under insurance policy Ex.R1.

8. Tribunal has erred in assessing compensation by considering the monthly income of the deceased as Rs.9,000/-. This assessment deserves to be enhanced to Rs.14,960/- per month, in view of the salary certificate Ex.AW3/A and testimony of AW3 Sat Pal, who deposed that deceased was working as Lineman with PSEB. Tribunal applied a multiplier of 6, which is incorrect and deserves to be enhanced to 11, considering that deceased was 52 years of age at the time of the accident. Further, deduction of 1/3rd towards personal and living expenses is also reduced to 1/4th, as there are four dependents. The Tribunal has erred in not making any addition towards future prospects. Considering the age of the deceased and that he was employed, an addition of 15% towards future prospects is to be made, as per the settled legal position. Further, the sum of Rs.3,000/- awarded for funeral expenses is inadequate and is to be enhanced to Rs.18,000/-. Additionally, Rs.48,000/- is awarded to each dependent under the head of loss of consortium, and an amount of Rs.18,000/- towards loss of estate. Daljit Kaur, mother of deceased, who is dependent upon him cannot be denied compensation under MV Act. In ***Sadhana Tomar and others Versus Ashok Kushwaha and others, 2025(1) PLR 503,*** Supreme Court has held that legal representative is one, who suffers on account of death of a person due to motor vehicle accident. Mother is, therefore, entitled to grant of compensation and finding to the contrary recorded by Tribunal are



reversed.

9. In the light of the guidelines 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 an enhanced award under conventional heads, future prospects, etc. The court is of the view that head-wise computation deserves to be modified as below: -

Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.14,960/-
2	Future prospects	Rs.2,244/- (15% of Rs.14,960/-)
3	Deduction towards personal expenditure 1/4	Rs.4,301/- (Rs.17,204/- x 1/4)
4	Total Monthly Income	Rs.12,903/- (Rs.17,204/- subtract Rs.4,301/-)
5	Multiplier	11
6	Annual dependency	Rs.17,03,196/- (Rs.8,400/- x 12 x 11)
7	Loss of Consortium	Rs.1,92,000/- (Rs.48,000/- payable to each of the four dependants)
8	Funeral expenses	Rs.18,000/-
9	Loss of Estate	Rs.18,000/-
7	Total compensation	Rs.19,31,196/-
8	Less: Award by MACT	Rs.4,35,000/-
9	Enhancement	Rs.14,96,196/-



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10. Accordingly, the appellants are held to an additional compensation of Rs.14,96,196/-, 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. However, interest on additional amount for 184 days shall be deducted from the amount to be disbursed to the appellants.

11. Appeal is disposed off.

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

**13.05.2025**  
pooja saini

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

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