

**FAO-1112-2010 (O&M)****-1-****IN THE HIGH COURT OF PUNJAB & HARYANA AT  
CHANDIGARH****(215)****FAO-1112-2010 (O&M)  
Date of decision:- 18.02.2025****Gurmeet Kaur and others****... Appellants****Versus****Puran Mal Swami and others****... Respondents****CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL**

Present:- Mr. R.S.Mamli, Advocate for the appellants.

None for respondent No.1.

Mr. Tushar Gera, Advocate for  
Ms. Deepali Verma, Advocate for the respondent No.2.

Mr. Gopal Mittal, Advocate for respondent No.3-Insurance Company

Mr. G.C.Shahpuri, Advocate for respondents No.4 and 5.

**\*\*\*\*****SUVIR SEHGAL, J. (ORAL)**

1. Instant appeal has been filed under the Motor Vehicles Act, 1988 by the legal representatives of Karam Singh-deceased. Appellants, who are the widow and five minor children of the deceased, have sought enhancement of compensation awarded by the Motor Accident Claims Tribunal (for short "the Tribunal"), Yamuma Nagar at Jagadhri, vide award dated 24.08.2009.
2. Facts leading to the filing of the appeal are that on 27.06.2004, the deceased, Karam Singh, was driving Swaraj Mazda Truck from Faridabad to Chandigarh. When his truck reached near Nizampur (Panipat), a tralla bearing registration No. HR-38-H-4714, which was rashly driven by respondent No.1, suddenly applied brakes, due to which the rear of the truck collided with the



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tralla. As a result of the impact, Karam Singh suffered fatal injuries. An FIR, Ex.P1/P3, bearing No.101 dated 27.06.2004 was lodged under Sections 279, 304-A IPC at Police Station, Sadar, Panipat. Appellants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 claiming compensation on account of the accidental death of Karam singh, which has been accepted vide award dated 24.08.2009 and they have been granted compensation of Rs.4,20,200/-. Respondents have been held jointly and severally liable to pay the amount, along with interest @ 7.5% per annum from the date of filing of the claim petition.

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

4. 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 Karam singh died in the motor vehicle accident. Tribunal found that respondent No.1 had a valid Driving License Ex.P3 and offending vehicle was fully insured under insurance policy Ex.P5.

5. Compensation was assessed by assuming the income of the deceased, as Rs.3,000/- per month taking into account his profession as a driver, which does not deserve to be modified. Tribunal has correctly applied multiplier of 14, considering the deceased was 45 years of age at the time of accident, and has deducted 1/5<sup>th</sup> from the total salary towards personal and living expenses, as the number of dependents exceeded six. Tribunal has neither considered the future prospects of the deceased nor granted the appropriate compensation under the conventional heads.



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6. 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* read with *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. 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.3,000/-
2	Deduction towards personal expenditure 1/5 <sup>th</sup>	Rs.600/- (Rs.3,000/- x 1/5)
3	Future prospects	Rs.720/- (30% of Rs.2,400/-)
4	Total Monthly Income	Rs.3,120/- (Rs.2,400/ + Rs.720/-)
5	Multiplier	14
6	Annual dependency	Rs.5,24,160/- (Rs.3,120/- x 12 x 14)
7	Loss of Estate	Rs.18,000/-
8	Funeral expenses	Rs.18,000/-
9	Loss of consortium	Rs.3,36,000/- (Rs.48,000/- payable to each of seven dependents)
10	Total compensation	Rs.8,96,160/-
11	Less: Award by MACT	Rs.4,20,200/-
12	Enhancement	Rs.4,75,960/-

7. Tribunal has returned a finding that deceased, Karam Singh, had two wives and six children. All of them were living together. During the subsistence of the first marriage, Karam Singh, married Gurmeet Kaur, appellant No.1. As the second wife could not be regarded as a legally wedded wife, Tribunal held that she is not entitled to compensation, though the claim by her children was accepted.

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8. Accordingly, appeal by appellant No.1 is dismissed. Appellants No.2 to 6 and Sumitra, widow of Karam Singh, are held to an additional compensation of Rs.4,75,960/-, which shall be payable to all of them 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.

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

18.02.2025  
*Kamal*

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

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