



FAO-2623-2017 (O&M)

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

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FAO-2623-2017 (O&M)

Date of decision: 20.05.2025

Harjit Kaur and others

.... Appellants

Vs.

Maninder Singh and others

.... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Ram Kumar Saini, Advocate and
Mr. Ranjan Lohan, Advocate
Ms. Ruby Gupta, Advocate for the appellants.

None for respondents No. 1 and 2, despite service.

Mr. Rajesh Verma, Advocate
for the Insurance Company- respondent No.3.

SUVIR SEHGAL J.

1. Instant appeal has been filed under the Motor Vehicles Act, 1988, (for brevity "MV Act") by the legal representatives of Balwinder Singh-deceased. Appellants have sought enhancement of compensation awarded by the Motor Accident Claims Tribunal (for short "the Tribunal"), Ambala, vide award dated 06.10.2016.

2. Facts, leading to the filing of the appeal, are that on 19.01.2016, Balwinder Singh – deceased was travelling along with his wife and minor son on a motorcycle. A car bearing registration No. HR-04-E-7651, being rashly driven by Maninder Singh-respondent No.1 while overtaking another vehicle, collided head-on with their motorcycle. Balwinder



Singh, his wife as well as child were thrown off the vehicle and they sustained injuries. They were taken to PHC, Panjokhra by Surinder Singh, brother of the deceased, and thereafter, he was referred to Civil Hospital, Ambala City, and then to GMCH, Sector-32, Chandigarh. However, Balwinder Singh succumbed to the injuries on the way to GMCH. An FIR, Ex.P1, No.11, dated 20.01.2016 under Sections 279, 304-A IPC was lodged at Police Station, Panjokhra. Claimants filed a petition under Section 166 of the MV Act, claiming compensation on account of the death of Balwinder Singh, which has been partly accepted and they have been granted compensation of Rs.12,05,000/-. 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 Balwinder Singh died in the vehicular accident. Tribunal found that respondent No.1 had a valid driving license Ex.R9 and offending vehicle was fully insured under insurance policy Ex.R12.

5. Compensation was assessed by considering the income of the deceased as Rs.9,000/-, relying on the evidence on record which establishes that the deceased was engaged as a private driver. Claimants



have asserted that deceased was earning Rs.30,000/- p.m. and he was employed as a driver in Saint Paul High School for driving a heavy vehicle. No documentary evidence regarding the employment could be produced by the claimants nor did they produce the heavy vehicle driving licence issued in the name of the deceased. This part of the evidence has been rightly disbelieved by the Tribunal. Tribunal has correctly applied the multiplier of 15, taking into account the age of the deceased as 38 years at the time of the accident. Deduction of 1/3rd from the monthly income towards personal and living expenses is also proper as deceased was survived by three dependents. In view of the settled legal position, an addition of 40% towards future prospects is required to be made in the monthly income. Lump sum amount of Rs.50,000/- awarded towards consortium is to be modified to Rs.48,000/- each for all three dependants. As a result, no separate amount is to be granted under the head of pain and agony. Amount of Rs.25,000/- granted under funeral expenses is to be reduced to Rs.18,000/-, and further, a sum of ₹18,000/- is to be awarded under the head of loss of estate.

6. 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.9,000/-
2	Future prospects	Rs.3,600/- (40% of Rs.9,000/-)
3	Deduction towards personal expenditure 1/3	Rs.4,200/- (Rs.12,600/- x 1/3)
4	Total Monthly Income	Rs.8,400/- (Rs.12,600/- subtract Rs.4,200/-)
5	Multiplier	15
6	Annual dependency	Rs.15,12,000/- (Rs.8,400/- x 12 x 15)
7	Loss of Consortium	Rs.1,44,000/- (Rs.48,000/- payable to each of the three dependants)
8	Funeral expenses	Rs.18,000/-
9	Loss of Estate	Rs.18,000/-
7	Total compensation	Rs.16,92,000/-
8	Less: Award by MACT	Rs.12,05,000/-
9	Enhancement	Rs.4,87,000/-

7. Accordingly, the appellants are held to an additional compensation of Rs.4,87,000/-, 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.

8. Appeal is disposed off.

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

20.05.2025

pooja saini

(SUVIR SEHGAL)

JUDGE

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