



FAO-4762-2018 (O&M)

-1-

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

231

FAO-4762-2018 (O&M)

Date of decision: 07.05.2025

Baljeet Kaur and another

... Appellants

Vs.

Suresh Kumar and others

... Respondents

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present:- Mr. Surinder Garg, Advocate for the appellants.

Mr. Satpal Dhamija, Advocate
for respondent No.3-Insurance Company.

SUVIR SEHGAL J.

1. Instant appeal filed under section 173 of the Motor Vehicles Act, 1988 (for brevity "MV Act") by the legal representatives of Harpal Singh- deceased. Appellants have sought enhancement of compensation granted by the Motor Accident Claims Tribunal (for short "the Tribunal"), Faridkot vide award dated 16.02.2018.

2. Facts, in brief, leading to the filing of the appeal are that on 28.03.2017, Harpal Singh was on board of a Combine Harvester bearing registration No.PB-13-AW-9798 which was being negligently driven by Suresh Kumar-respondent No.1, at a high speed. Harpal Singh fell from Harvester and his head hit its cutter. He suffered multiple injuries and died on the spot. An FIR No.74, Ex.P31 dated 28.03.2017 was lodged at Police Station Sagaur, Distt. Dhar (Madhya Pradesh). Appellants filed a



FAO-4762-2018 (O&M)

-2-

claim petition under Section 166 of the MV Act, 1988 claiming compensation on account of the death of Harpal Singh, which has been partly accepted and they have been granted compensation of Rs.12,04,000/-. Respondents have been jointly and severally held liable to pay the compensation, along with interest @ 6% p.a., 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 of Harvester by Suresh Kumar, which resulted in the death of Harpal Singh. Tribunal found that the driver of the Harvester was holding a valid driving license Ex.RX/R3 and the vehicle was insured under insurance policy Ex.R1.

5. It has been asserted that deceased was earning Rs.6 Lakh per annum as he was cultivating land and doing dairy business, besides working as farm labourer. Some documents have been produced by claimants to support their stand, but they could not produce any cogent evidence to establish his income. Tribunal has rightly assessed the income of the deceased, who was 23 years of age as Rs.7,500/- p.m on guess work. Minimum wage notified by the Labour Commissioner, Punjab for unskilled labour w.e.f 01.03.2017 was Rs.7,568.52 p.m. So, the monthly income of the deceased requires to be increased to Rs.7,570/- (rounded off). The dependency of 50% applied by the Tribunal towards personal expenses, does not require any change as deceased was



FAO-4762-2018 (O&M)

-3-

a bachelor. Tribunal has correctly applied a multiplier of 18, in view the age of the deceased. Tribunal has granted 40% for the future prospects of the deceased, which is appropriate. However, Rs.15,000/- in respect of funeral expenses, Rs.15,000/- for loss of estate and Rs.40,000/- on the account of loss of consortium has been awarded to claimants, which deserves to be enhanced.

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. This Court is of the view that head-wise computation of compensation deserves to be modified as below:-

Sr. No.	Heads	Compensation Awards
1	Monthly Income	Rs.7,570/-
2	Future prospects 40%	Rs.3,028/- (40% of Rs.7,570/-)
3	Deduction towards personal expenditure 50%	Rs.10,598/- x1/2
4	Total Monthly Income	Rs.5,299/- (Rs.10,598/- subtract Rs.5,299/-)
5	Multiplier	18
6	Annual dependency	Rs.11,44,584/- (Rs.5,299/- x 12x 18)
7	Loss of Consortium	Rs.96,000/- (48,000 x 2)



FAO-4762-2018 (O&M)

-4-

8	Funeral expenses	Rs.18,000/-
9	Loss of Estate	Rs.18,000/-
10	Total compensation	Rs.12,76,584/-
11	Less: Award by MACT	Rs.12,04,000/-
12	Enhancement	Rs.72,584/-

7. Accordingly, the appellants are entitled to an additional compensation of Rs.72,584/-, 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.

8. Appeal is disposed off.

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

07.05.2025

pooja saini

(SUVIR SEHGAL)

JUDGE

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