



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

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FAO-587-2017 (O&M)
Date of Decision: 04.09.2025

Smt. Sushila Devi and others

....Appellants

V/s

Naresh and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Jagjeet Beniwal, Advocate, for the appellants.

Mr. Nigam K. Bhardwaj, Advocate,
for the respondent-insurance company.

VIKRAM AGGARWAL, J. (ORAL)

Claimants have preferred the instant appeal seeking enhancement in compensation granted to them vide award dated 03.10.2016 passed by the Motor Accident Claims Tribunal, Bhiwani (for short 'MACT').

2. The facts, as emanating from the paper book, are that appellants/claimants, who are the widow, daughter and minor son of deceased-Om Parkash, filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'MV Act') claiming compensation on account of death of Sh. Om Parkash (hereinafter referred to as the "deceased") in a motor vehicular accident which took place on 08.06.2015.

3. It was averred that Om Parkash was a farmer and was also working as a salesman at Mittathalia Cement Agency. On 08.06.2015, he was returning from his fields. His brother Prem Rattan was following him. As soon as they reached near Nathuwas turn, a truck bearing Regn. No.HR61-B-2336 (hereinafter referred to as the "offending vehicle") coming from the side of Rohtak, struck the deceased as a result of which, the deceased fell down, suffered grievous injuries and expired. In this regard,



FIR No.358 dated 08.06.2015 was registered under Sections 279 and 304A IPC at Police Station Sadar Bhiwani. It was claimed that the accident had taken place on account of the rash and negligent driving of the offending vehicle by respondent No.1. It was further averred that Om Parkash was 41 years old at the time of the accident. He was earning Rs.60,000/- per month. As such, compensation of Rs.50 lakhs was claimed.

4. The claim petition was opposed. Respondents No.1 to 2 denied the factum of the accident as also other averments made in the claim petition. The insurance company (respondent No.3 herein) also opposed the claim petition and took its usual defences. The factum of the accident was denied.

5. From the pleadings of the parties, following issues were framed:

“1. Whether the accident in question took place on 08.06.2015 due to rash and negligent driving of truck bearing registration No.HR61-B-2336 by respondent No.1 and caused the death of Om Parkash, husband of petitioner No.1 and father of petitioners No.2&3?OPP

2. If issue No.1 is proved, whether petitioners are entitled to claim compensation, if so to what amount and from whom?OPR

3. Whether the petition is not maintainable in the present form?OPR

4. Whether the respondent No.1 is not having any valid and effective driving licence and insured has violated the terms and conditions of the insurance policy, if so its effect?OPR3.

5. Relief.”

6. Parties led their respective evidence.

7. The MACT held that the accident had taken place on account of the rash and negligent driving of the offending vehicle by respondent No.1.

8. There is no challenge to the Award by either side on the issue of negligence and only enhancement in compensation is claimed. Concededly, the deceased (Om Parkash) was 41 years old. His monthly income was



assessed at Rs.12,000/- per month. 1/3rd deduction was applied for personal expenses since claimants were three in numbers. Applying a multiplier of '13' and awarding funeral expenses of Rs.25,000/- and consortium of Rs.2,00,000/- (Rs.1 lakh to the widow and Rs.1 lakh to the children), a sum of Rs.14,73,000/- was awarded as compensation by the MACT.

9. Learned counsel for the appellants submits that future prospects were not granted in terms of the judgment of the Supreme Court of India in *National Insurance Company Limited Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009*. He further submits that in terms of the judgment of the Supreme Court of India in *Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another, 2009 SCC Online SC 797*, multiplier of '14' should have been adopted instead of '13' which was adopted by the MACT. As regards loss of consortium/filial compensation, it has been submitted that the same would be @ Rs.48,000/- for each dependant.

10. *Per contra*, learned counsel for the insurance company submits that adequate compensation has been granted. However, he could not deny that future prospects @ 25% are required to be granted and that the multiplier in terms of the case of *Smt. Sarla Verma* (supra) would be '14'. He also could not deny about the consortium/filial compensation. However, he submits that funeral expenses should be Rs.18000/- instead of Rs.25000/- as granted by the MACT.

11. Having considered the submissions made by learned counsel for the parties, the compensation is assessed/enhanced as under:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	41 years
2.	Income + Future Prospects @ 25%	Rs.12,000/- + Rs.3000 =Rs.15000/- per month
3.	1/3 rd deduction as personal	Rs.15000/- Rs.5000/-



	expenses	=Rs.10000/-
4.	After applying Multiplier of '14'	Rs.10000/- x 12x 14 =Rs.16,80,000/-
5.	Funeral expenses	Rs.18,000/-
6.	Loss of Estate	Rs.18000/-
7.	Loss of consortium	Rs.48000/- x 3 =Rs.1,44,000/-
8.	Total Compensation awarded	Rs.18,60,000/-

12. The total compensation, therefore, comes to Rs.18,60,000/- After deducting a sum of Rs.14,73,000/-, as assessed by the MACT, the balance compensation comes to Rs.3,87,000/-. This amount would be payable in addition to the amount assessed by the learned MACT along with interest @ 7.5 per cent annually. The liability to pay the same would be as per the award.

13. The present appeal is accordingly disposed of.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

September 04, 2025

vchgarg

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No