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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-1204-2016

Date of decision:30.04.2025

BHUPENDER & ANR

...APPELLANTS

VS.

PARDEEP PANWAR & ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE SUVIR SEHGAL

Present: Mr. Ashish Gupta, Advocate
for the appellants.

None for respondents No.1 and 2.

Ms. Shamsher Kaur, Advocate
for respondent No.3-Insurance Company.

SUVIR SEHGAL, J.

1. Instant appeal has been filed under the Motor Vehicles Act, 1988, (for brevity "MV Act") by the legal representatives of Naveen-deceased, aged nine years. Appellants have sought enhancement of compensation awarded by the Motor Accident Claims Tribunal (for short "the Tribunal"), Jhajjar, vide award dated 11.08.2015.

2. Facts, leading to the filing of the appeal, are that on 12.06.2013, Naveen was crossing the road, when a motorcycle bearing registration



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No.HR-14J-5293, being rashly driven by respondent No.1, hit him and the driver fled from the spot. Naveen sustained multiple injuries and later succumbed to them. An FIR (Ex.P1) bearing No.37 dated 13.06.2013 was lodged under Sections 279, 304-A IPC. Appellants filed a petition under Section 166 of the MV Act, claiming compensation on account of the death of Naveen, which has been partly accepted vide award dated 11.08.2015 and they have been granted compensation of Rs.5,90,000/-. Respondents have been held jointly and severally liable to pay the amount, along with interest @ 8% 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 Naveen died in the vehicular accident. Tribunal found that respondent No.1 had a valid driving license Ex.R1 and offending vehicle was fully insured under insurance policy Ex.R3.

5. Compensation was assessed by considering the notional income of the minor deceased at a nominal rate of Rs. 3,000/- per month, considering that he might be contributing towards his family income by doing household work and annual loss of dependency was calculated as Rs.36,000/-. Notional income assessed is on the lower side and deserves to be increased to Rs. 50,000/- per annum in view of the judgments of this Court in *United India Insurance Limited Versus Parmod Saini and others*, *Law Finder Doc Id #2630925* and *Mustak and another Versus Magruddin*



and others, FAO-3925-2015 decided on 16.09.2021. Tribunal applied a multiplier of 15, which is in accordance with the Second Schedule of MV Act and it does not require any modification. A sum of Rs. 25,000/- each was granted under the heads of funeral expenses and loss of love and affection, both of which need to be reduced to Rs. 18,000/- each in view of judicial precedents. Further, an amount of Rs. 48,000/- has to be awarded to both dependents towards loss of consortium.

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. Head-wise computation of compensation deserves to be modified as below:-

Sr. No.	Heads	Compensation Awards
1	Annual Notional Income	Rs.50,000/-
2	Multiplier	15
3	Total Dependency	Rs.7,50,000/- (Rs.50,000/-x15)
4	Loss of Estate	Rs.18,000/-
5	Funeral expenses	Rs.18,000/-
6	Loss of consortium	Rs.96,000/- (Rs.48,000/- payable to each of two dependents)
7	Total compensation	Rs.8,82,000/-
8	Less: Award by MACT	Rs.5,90,000/-
9	Enhancement	Rs.2,92,000/-



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7. Accordingly, appellants are held to an additional compensation of Rs.2,92,000/-, 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.

30.04.2025

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

Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No