

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****217-2****FAO-1725-2013 (O&M)****Date of decision: 07.07.2025****Rajni Saini and others****...Appellant(s)****Vs.****Gurmukh Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Manglesh Kumar, Advocate for  
Mr. Shakti Mehta, Advocate  
for the appellants.

Ms. Manvi Verma, Advocate for  
Mr. Rajneesh Malhotra, Advocate  
for respondent No.3-Insurance Co.

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**NIDHI GUPTA, J.**

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.23,98,374/- awarded by the Id. Motor Accident Claims Tribunal, Mohali (for short "the learned Tribunal") vide Award dated 11.01.2013 passed in MACT Case No. 13 dated 08.02.2010 filed under Section 166 of the Motor Vehicles Act, 1988. The above said compensation was awarded along with interest @ 6% per annum. All the respondents were held jointly and severally liable to pay the amount of compensation. The 4 claimants are the widow, one son and parents of the deceased Sohan Lal, who was about 26 years old at the time of accident.



2. Brief facts of the case are that the learned Tribunal on the basis of evidence adduced by the parties, concluded that the deceased Sohan Lal had died due to the injuries suffered by him in a motor vehicular accident that took place on 01.01.2010 due to the rash and negligent driving of a Tractor Trolley bearing registration No. PB-65-J-3090 (hereinafter referred to as "the offending vehicle") being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3.

3. Learned counsel for the appellants seeks enhancement of compensation on the ground that future prospects have been awarded @ 30% however, keeping in view the age of the deceased as 26 years only, future prospects @ 40% ought to have been awarded. It is further submitted that claimant No.3/father of the deceased has not been taken as dependent upon the deceased; and, therefore, deduction of 1/3rd has been wrongly made. Learned counsel contends that father of the deceased was dependent upon the deceased; and therefore, deduction of one fourth or two have been made towards personal expenses. Furthermore, income of the deceased has been taken on the lower side. It is accordingly prayed that the present appeal be allowed; and compensation be enhanced.

4. Learned counsel for respondent No.3-insurance company vehemently opposes submissions made on behalf of the appellants and submits that impugned Award suffers from no error and present appeal deserves to be dismissed. It is, however, conceded that as per the law laid



down by Hon'ble Supreme Court, future prospects ought to have been added @ 40% and not 30%.

5. No other argument is raised on behalf of the parties.

6. I have heard learned counsel for the parties and perused the case file in great detail.

7. Brief facts of the case as set out in the claim petition are that on 1.1.2010, Sohan Lal and his friend Lakhwinder Singh were returning from Dera Bassi on motorcycle No.PB-70-B-5187 driven by Lakhwinder Singh and at about 9.15 p.m, when they reached near HPL Factory village Bhagwas, their motorcycle was hit by the tractor trolley bearing No. PB-65-J-3090, which came from the opposite side. The tractor trolley was being driven by respondent no.1 in a rash and negligent manner. The accident took place due to the rash and negligent driving of the tractor trolley by respondent No.1. Maninder Singh brother of the deceased Sohan Lal was coming on his separate motorcycle bearing No.PB-70-B-2633 and he witnessed the said accident. Both the injured were taken to GMCH Sector 32 Chandigarh. However, Sohan Lal had breathed his last on the way to the hospital. The claimants alleged that at the time of his death, the deceased Sohan Lal was aged about 26 years. He was serving as commission agent in RMP (Infotech Resource Money power) and used to earn Rs.40,000/- per month. Beside this income, he used to earn Rs.15,000/- as agriculture income from 5.5 acres of land held by him. FIR No.1 dated 2.1.2010 under Section 279, 304-A and 427 IPC was registered



at Police Station Dera Bassi regarding the said accident. The claimants accordingly, claimed Rs.50 lacs as compensation.

8. It was the pleaded case of the appellants that the deceased was working as Commission Agent in RMP (Infotech Resource Money Power) and was earning Rs.40,000/- p.m. In support of their case, appellants had produced Income Tax Returns of the deceased for the assessment year 2008-09 Ex.P3, 2009-10 Ex.P4, and 2010-11 Ex.P5, as per which, gross income of the deceased was shown to be Rs.1,21,900/-, 1,60,410/-, and Rs.2,37,210/- respectively. However, simultaneously, the Appellants also produced Form 16A for the year ...../ Ex.P11 issued by RMP (Infotech Resource Money Power) as per which income of the deceased was shown to be Rs.5,28,595/- and therefore, Rs.55,279/- had been deducted towards advance income tax. Deceased was also shown to be having some agricultural land as per Sale Deed Ex.P7. In view of the incongruent evidence regarding the income of the deceased, learned Tribunal had taken annual income of the deceased as Rs.1,60,410/- on the basis of Income Tax Return for the assessment year 2009-10 Ex.P4. It is my view that the Id. Tribunal correctly reconciled the evidence produced by the appellants. Even no explanation has been given by learned counsel for the appellants for the variance in the income shown in the documentary evidence produced by the appellants before the learned Tribunal.

9. Further age of the deceased was proved to be 27 years at the time of accident on the basis of his passport Ex.P1 wherein his date of birth was mentioned as 01.03.1983. Although learned Tribunal had made



addition of future prospects @ 30%; however, in conformity with the judgment of Hon'ble Supreme Court in "***National Insurance Company Limited vs. Pranay Sethi and others***", ***Special Leave Petition (Civil) No. 25590 of 2014***, future prospects have to be awarded @ 40%. Keeping in view the age of the deceased, multiplier of 17 was correctly applied by the Tribunal. Ld. Tribunal had further awarded sum of Rs.35,000/- under the conventional heads. Thus, granting total compensation of Rs.23,98,374/-.

10. Argument of learned counsel for the appellants that father of the deceased was dependent upon the deceased is liable to be rejected as at the time of accident, father of the deceased/claimant No. 3 was only 53 years old. There is nothing whatsoever on record to indicate that claimant no.3 was dependent on the deceased. Thus, deduction of 1/3rd was correctly made by the learned Tribunal towards personal expenses.

11. However, keeping in view the above discussion, compensation awarded to the appellants is recalculated in the following manner:-

Income	Rs.1,98,810/- (average of ITR of 2 years) ITR-2010-2011 Rs.2,37,210/- ITR-2009-2010 Rs.1,69,410/- Total <b>Rs.3,97,620/-</b>
Date of accident	01.01.2010
Future prospects @ 40%	Rs.2,78,334/-
1/3rd Deduction	Rs.1,85,556/-
Loss of dependency	Rs.1,85,556 x 17 (multiplier)=Rs.31,54,452/-
Consortium	Rs.48,000 x 4 =Rs.1,92,000/-
Loss of estate	Rs.18,000/-
Funeral expenses	Rs.18,000/-
Total	<b>Rs.33,82,452/-</b>
Interest	6% per annum



12. Hence, present appeal is **partly allowed** in the above terms.
13. Pending application(s) if any also stand(s) disposed of.

**07.07.2025**

Divyanshi

**(NIDHI GUPTA)  
JUDGE**

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No