IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 22.12.2025

FAO-4171-2014(O&M)

Premwati & Others

...Appellant(s)

Vs.

Dariya Lal & Others

...Respondent(s)

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CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. S.S. Shekhawat, Advocate
for the appellants.

Mr. Pardeep Goyal, Advocate
Ms. Kanika, Advocate
for respondent No.3/Insurance Company.

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NIDHI GUPTA, J.

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.15,39,000/- (wrongly mentioned as Rs.15,21,800/- in the Award) awarded by the Motor Accident Claims Tribunal, Rohtak (hereinafter 'the learned Tribunal') vide Award dated 12.08.2013 passed in MACT Case No.73 dated 03.05.2012 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 6 claimants are the widow, three minor children, and parents of deceased Umed Singh, who was 42 years old at the time of accident.

2. Brief facts of the case are that the ld. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Umed Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 06.03.2012 at about 9:30/10 am due to the rash and negligent driving of Tavera bearing registration No.HR-67-AT-2998 (hereinafter referred to as "the offending vehicle") being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The said compensation has been awarded along with interest @ 7.5% per annum. Respondent No.3/Insurance Company was held liable for payment of compensation amount.

3. At the very outset, it is submitted by learned counsel for the appellants that in the interregnum, claimant No.4/minor daughter and claimant No.5/father of deceased Umed Singh, have expired.

4. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.9,000/- per month. It is submitted that the appellants had duly produced Income Tax Return of the deceased, as per which it was proved, that deceased was earning ₹15,000/- per month. It is accordingly submitted that income of the deceased ought to have been assessed as Rs.15,000/- per month. It is further submitted that the learned Tribunal has awarded a meagre amount of only Rs.20,000/- by way of consortium; and even nothing has been granted towards loss of estate and

only Rs.10,000/- has been awarded by way of funeral expenses. Even no future prospects have been added. Learned counsel accordingly prays for enhancement of compensation.

5. Per contra, learned counsel for the respondent No.3/Insurance Company opposes the submissions advanced on behalf of the appellants and submits that the impugned Award suffers from no error; and the present appeal deserves to be dismissed.

6. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find some merit in the submissions advanced on behalf of the appellants.

7. It was the pleaded case of the appellants before the learned Tribunal that deceased Umed Singh was working as a Contractor, and diseased was an Income Tax Payee and was earning Rs.15,000/- per month. The appellants had produced PW3, who had brought the Income Tax Record of the deceased. However, PW3 had admitted that he had brought the record pertaining to only one year i.e. Assessment Year 2011-12, for which income of the deceased was shown to be Rs.1,81,518/-; whereas admittedly for the previous year, it was Rs.72,944/- approximately. Admittedly, claimants were unable to explain this huge difference in income; especially in view of the fact that it was the admitted case of the claimants that the deceased was not a permanent employee and was not getting fixed salary and that his income

varied from year to year. Thus, learned Tribunal assessed average income of the deceased to be Rs.9,000/- per month. I find no error in the same.

8. Further, as there were 6 claimants, learned Tribunal had correctly made deduction of 1/4th towards personal expenses. As deceased was 42 years old, multiplier of 14 was also correctly applied. However, ld. Tribunal has failed to make addition of 25% towards future prospects. The Tribunal has further awarded Rs.3,75,000/- towards medical expenses, on the basis of the bills produced by the appellants. Under the conventional heads, learned Tribunal has awarded meagre amount of Rs.10,000/- towards last rites and transportation; and Rs.20,000/- as loss of consortium only to claimant No.1/widow; thereby granting total compensation of Rs.15,39,000/- (wrongly mentioned as Rs.15,21,800/- in the Award).

9. As per judgments of the Hon'ble Supreme Court in **"National Insurance Company Ltd. VS. Pranay Sethi & Others" Law Finder Doc ID # 918174;** and "**Sarla Verma Vs. Delhi Transport Corporation" (2009) AIR (SC) 3104 Law Finder Doc ID # 188882;** compensation payable to the appellants is liable to be reassessed as under:-

Head	**Amounts awarded by the learned Tribunal**	**Re-assessed compensation**
Monthly income	Rs.9,000/-	Rs.9,000/-
Annual income	Rs.1,08,000/-	Rs.1,08,000/-
Addition of 25% towards future prospects	Nil	Rs.1,08,000/- + Rs.27,000/- = Rs.1,35,000/-
Deduction of 1/4th towards personal expenses	Rs.81,000/- (wrongly mentioned as Rs.81,200/- in the Award)	Rs.1,35,000/- - Rs.33,750/- = Rs.1,01,250/-

Multiplier of 14	Rs.81,000/- x 14 = Rs.11,34,000/- (wrongly mentioned as Rs.11,36,800/- in the Award)	Rs.1,01,250/- x 14 = Rs.14,17,500/-
Medical treatment	Rs.3,75,000/-	Rs.3,75,000/-
Loss of consortium	Rs.20,000/- to claimant No.1 only	Rs.40,000/- x 4 = Rs.1,60,000/-
Loss of estate	Nil	Rs.15,000/-
Funeral expenses	Rs. 10,000/-	Rs.15,000/-
Total	**Rs.15,39,000/- (wrongly mentioned as Rs.15,21,800/- in the Award)**	**Rs.19,82,500/-**

10. Present appeal, accordingly, stands **partly allowed** in the above terms.

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

22.12.2025 **(Nidhi Gupta)**
Sunena **Judge**

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