



IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

FAO-299-2018 (O&M)

SMT. BALA AND ORS.

.....Appellants

Vs.

SAJJAD AHMAD GANAI AND ORS.

.....Respondents

Reserved on: 10.04.2026

Pronounced on: 12.05.2026

Uploaded on:- 15.05.2026

*Whether only the operative part of the judgment is pronounced?* No  
*Whether full judgment is pronounced?* Yes

**CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA**

Present: Mr. Manish Boora, Advocate  
for Mr. Suresh Kumar Kaushik, Advocate  
for the appellant.

Mr. Diwan S. Adlakha, Advocate  
for respondent No.3-Insurance Company.

\*\*\*\*

**SUDEEPTI SHARMA J.**

1. The present appeal has been preferred for setting aside the award dated 02.11.2017 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988, by the learned Motor Accident Claims Tribunal, Karnal (for short, 'the Tribunal'), whereby, claim petition filed by the appellants/claimants was allowed and 50% of compensation awarded was directed to be disbursed to respondents No.4 and 5 i.e. second wife and daughter born out of the wedlock of deceased and second wife i.e. respondent No.4-Bimla Sharma.

2. As sole issue for determination in the present appeal is confined to the compensation awarded to claimants-appellants and respondents No.4



and 5 being second wife and daughter born out of the wedlock of deceased and second wife i.e. respondent No.4-Bimla Sharma by the learned Tribunal, a detailed narration of the facts of the case is not required to be reproduced here for the sake of brevity.

### **SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES**

3. Learned counsel for the appellants contend that learned Tribunal has wrongly granted compensation to the second wife of the deceased Rajender Sharma without appreciating the fact that appellant is legally wedded wife of deceased Rajender Sharma and would be solely entitled to the compensation.

4. Per contra, learned counsel for respondents No.4 and 5 has vehemently argues on the line of award and contends that learned Tribunal has granted compensation to respondents No.4 and 5 to the tune of 50% of the compensation. He further contends that learned Tribunal after appreciating the whole evidence on the record has rightly come to the conclusion that respondents No.4 and 5 would also be entitled to compensation. He furthermore contends that he has filed separate appeal bearing No.FAO-2127-2018, seeking enhancement of compensation, therefore, he prays that the present appeal be dismissed.

5. I have heard learned counsel for the parties and perused the whole record of this case.

6. Before proceeding further, it is relevant to reproduce the relevant portion of the award, which reads as under:-

*“16. Firstly, I would like to assess the amount of compensation. The dispute between both the petitioners will be settled later on. As per evidence of PW1 and PW5 Roshan Lal, the date of birth of Rajinder Singh, since deceased was*



28.05.1959. The deceased was working in Public Health Department and his gross salary was Rs. 49,954/-. The above said witness has proved the salary slips of deceased as Ex.P1, Ex.P2, Ex.P7 and Ex.P7/A. In this manner, the annual income of deceased comes to Rs. 5,99,448/-. Income tax is applicable on the income of deceased. For the assessment year of 2015-16, the income tax of deceased comes to Rs. 46,237/-. In this manner, the income of the deceased in hands comes to Rs. 5,53,211/- ( Rs. 5,99,448 – 46,237/-). The date of birth of deceased Rajinder Sharma was 28.05.1959 as come in the evidence of PW1. Meaning thereby that at the time of his death, he was 57 years old. In view of case titled as Sarla Verma & Ors. vs. Delhi Transport Corporation, 2009 ACC 708 (SC) , in the age of 57 years, the multiplier of 9 is appropriate multiplier to be applied and if the multiplier of 9 is applied, then the amount of compensation comes to Rs. 49,78,899/- (Rs. 5,53,211X9). In view of both the petitions, there were five dependents upon deceased Rajinder Sharma, therefore, 1/4th income of the deceased Rajinder Sharma is to be deducted towards his personal expenses from the compensation assessed and as such the amount towards dependency comes to Rs. 37,34,175/-( Rs. 49,78,899-12,44,724/-). In view of the case law titled as National Insurance Company Ltd. vs. Pranay Sethi and others, SLP (Civil) No. 25590 of 2014 decided by Full Bench of the Hon'ble Supreme Court on 31.10.2017, wherein it is held that there should be an addition of 15% in case where the victim/deceased is between the age group of 50 to 60 years so as to make the compensation just equitable, fair and reasonable and as such the just compensation comes to Rs. 42,94,301/-( Rs. 37,34,175 + 5,60,626/-). The petitioners might have spent some amount on last rites of deceased. Hence, Rs. 15,000/- is awarded on account of last rites of the deceased in view of the authority titled as National Insurance Company Ltd. vs. Pranay Sethi and others(supra). The amount of consortium is assessed by the Hon'ble Apex Court



*in case titled as National Insurance Company Ltd. vs. Pranay Sethi and others(supra) i.e. Rs. 40,000/-. Hence, the amount of compensation comes to Rs. 43,49,301/- (Rs. 42,94,301+15,000+40,000/-). In this way, the total amount of compensation payable to the petitioners as per above calculation is Rs. 43,49,301/- on account of death of Rajinder Sharma, from the respondents who are liable to pay the same jointly and severally with interest at the rate of 6% per annum from the date of filing the present petitions till its realization.*

*17. Now the question arises before this Tribunal that whether the petitioners of both the claim petitions are entitled for compensation or whether the only legally wedded wife is entitled.*

*18. PW1 Roshan Lal, Clerk has stated in his crossexamination that as per record, the name of nominee is given as Bala Devi wife of Rajinder Singh. PW3 Bala Devi has stated in her evidence that she was legally wedded wife of deceased Rajinder Sharma. As per Aadhar Card Ex.P13 of Bala, the name of her husband is Rajinder Sharma and Aadhar Card of Vikas Ex.P14 and Aadhar Card of Arvind Ex.P16 show that Rajinder Sharma was their father. A perusal of Election Identity Card Ex.P17 of Bala shows that Rajinder was her husband. A perusal of documents i.e. Ex.P18 Election Identity Card of Arvind, Ex.P19 Ration Card, Ex.P20 Ration Card also shows that Rajinder Sharma is father of Arvind and Vikas. Thus, a perusal of the above said documents shows that Balapetitioner was the first wife of Rajinder Sharma, since deceased. ”*

### **Analysis of the Record**

7. Upon perusal of the record, this Court finds no infirmity, perversity, or illegality in the award passed by the learned Tribunal. The findings recorded by the Tribunal are duly supported by the oral as well as documentary evidence available on the record. The evidence clearly establishes that respondent No.4–Bimla was residing with the deceased



Rajender Sharma and that respondent No.5–Preeti is his daughter born out of the said relationship.

8. The learned Tribunal has rightly appreciated that the provisions of the Motor Vehicles Act constitute a beneficial piece of legislation intended to provide just and equitable compensation to the dependants of the deceased. The material on record further demonstrates that both women, though residing separately, were dependent upon and maintained by the deceased during his lifetime. It has also come in evidence that respondent No.4-Bimla was residing with the deceased in the government accommodation along with respondent No.5-Preeti, the child born from their union.

9. In such circumstances, merely because respondent No.4 is alleged to be the second wife of the deceased, the respondents cannot be deprived of the benefit of compensation, particularly when their dependency and relationship with the deceased stand duly proved on record. The learned Tribunal, therefore, committed no error in treating them as entitled claimants for the purpose of award of compensation.

10. Consequently, the present appeal is hereby dismissed, being devoid of any merit.

11. Pending applications, if any, also stand disposed of.

**12.05.2026**

*Ayub/Saahil*

**(SUDEEPTI SHARMA)**  
**JUDGE**

Whether speaking/non-speaking : Speaking  
Whether reportable : Yes