NON-REPORTABLE

IN THE SUPREME COURT OF INDIA

CIVIL APPELLATE JURISDICTION

CIVIL APPEAL NOS. OF 2022
[Arising out of Special Leave Petition (Civil) Nos.7345-7346 of 2021]

PARAM PAL SHARDA AND ORS. ...APPELLANT(S)

VERSUS

DHANI RAM AND ORS. ...RESPONDENT(S)

O R D E R

B.R. GAVAI, J.

1. Leave granted.

2. These appeals challenge the common judgment and order of the High Court of Punjab and Haryana at Chandigarh dated 14th November 2019 passed in F.A.O. No. 1167 of 2010 and F.A.O. No. 1168 of 2010.

3. The facts, in brief, giving rise to the present appeals are as under:

3.1 On 26th August 2007, Rajinder Pal Sharda, Param Pal Sharda (appellant No.1 herein), Nitin Sharda and one Harmail Singh were returning to Patiala from Ludhiana in a Hyundai Accent Car bearing No.PB-11-AE-9400, driven by Nitin Sharda. When they reached opposite to Harman Farm House Palace, Sirhind Road, Patiala, a Scorpio Car bearing No.PB-23-D-0109, driven by Harjinder Singh (respondent No.2 herein) came from the opposite direction in a zig-zag manner and dashed the aforesaid Hyundai Accent Car. Due to the impact, Rajinder Pal Sharda died on the spot. The remaining three, namely, Param Pal Sharda, Nitin Sharda and Harmail Singh were taken to Rajendra Hospital, Patiala, where Nitin Sharda and Harmail Singh succumbed to the injuries. A First Information Report No. 397 dated 27th August 2007 was registered under Section 279 and 304-A of the Indian Penal Code, 1860 against Harjinder Singh (respondent No.2 herein) at P.S. Sadar, Patiala.

3.2 The appellants are the son, daughters and wife of the deceased Rajinder Pal Sharda, and brother, sisters and mother of the deceased Nitin Sharda. They filed Claim Petitions before the Motor Accident Claims Tribunal, Patiala (hereinafter referred to as "the Tribunal") under Section 166 of the Motor Vehicles Act, 1988 being MAC No.23T/19.12.07/23.12.08 and MAC No.15T/19.12.07/ 23.12.08 for grant of compensation to the tune of Rs.25 lacs each with interest on account of the death of Rajinder Pal Sharda and Nitin Sharda respectively.

3.3 In the Claim Petition being MAC No.23T/19.12.07/ 23.12.08 for grant of compensation on account of the death of Rajinder Pal Sharda, the Tribunal assessed the income of the deceased Rajinder Pal Sharda at Rs.5,150/- per month and after considering the relevant aspects, passed an Award amounting to Rs.1,68,000/- including Rs.10,000/- as loss of consortium in favour of appellant No.4-Raj Rani, who is the widow of the deceased Rajinder Pal Sharda. The Tribunal also passed an Award amounting to Rs.50,000/- each in favour of claimant Nos. 2 to 4, who are the son and daughters of the deceased Rajinder

Pal Sharda. The Tribunal also held that the claimants were entitled to interest at the rate of Rs.9% per annum from the date of filing of the claim petition till actual realization.

3.4 Insofar as the Claim Petition being MAC No.15T/19.12.07/ 23.12.08 for grant of compensation on account of the death of Nitin Sharda is concerned, the Tribunal notionally fixed his monthly income at the rate of Rs.6,000/-. The Tribunal, therefore, passed an Award amounting to Rs.4,10,000/- in favour of appellant No.4-Raj Rani, who is the mother of the deceased Nitin Sharda. Insofar as the rate of interest is concerned, a similar order came to be passed by the Tribunal as was passed in the other Claim Petition.

3.5 In the appeal against the Award passed by the Tribunal in the matter of the deceased Rajinder Pal Sharda, the High Court enhanced the compensation from Rs.3,18,000/- to Rs.4,78,456/-. In the appeal against the Award passed by the Tribunal in the matter of the deceased Nitin Sharda, the High Court enhanced the compensation to Rs.10,97,200/- (rounded off to Rs.10,97,000/-) from Rs.4,10,000/-.

3.6 Being aggrieved, the present appeals.

4. We have heard Ms. Eliza Bar, learned counsel appearing on behalf of the appellants and Mr. Ashok Anand, learned counsel appearing on behalf of respondent No.2 and Mr. Vishnu Mehra, learned counsel appearing on behalf of respondent No.3-Insurance Company. Respondent No.1, though served, did not enter appearance.

5. The appellants have accepted the judgment and order of the High Court insofar as the award of compensation on account of the death of deceased Rajinder Pal Sharda is concerned.

6. The appellants are aggrieved since the High Court and the Tribunal have notionally fixed the monthly income of the deceased Nitin Sharda at Rs.6,000/- only.

7. Ms. Eliza Bar, learned counsel appearing on behalf of the appellants submits that both the Tribunal as well as the High Court have grossly erred in estimating the monthly income of the deceased Nitin Sharda at the rate of Rs.6,000/-.

8. Per contra, Mr. Vishnu Mehra, learned counsel appearing on behalf of the respondent No.3-Insurance Company, submits

that both the Tribunal as well as the High Court, after taking into consideration that the deceased Nitin Sharda was employed in a private firm and that it was not a permanent job, have rightly disbelieved the salary certificate showing the monthly salary of deceased Nitin Sharda at the rate of Rs.15,000/-. Learned counsel submits that no interference with the concurrent findings of the High Court and the Tribunal to the effect that the monthly income of the deceased Nitin Sharda was Rs.6,000/- is warranted.

9. A perusal of the order of the Tribunal dated 27th August 2009 passed in MAC No.15T/19.12.07/23.12.08 would reveal that the appellants have placed on record the Salary Certificate of the deceased Nitin Sharda. The said Salary Certificate was showing a monthly salary at Rs.15,000/-. It will further be relevant to note that the appellants have also examined Mr. Rajiv Bhardawaj, a Clerk in Regent Strips Pvt. Ltd., Mandi Gobindgarh, who has proved the said Salary Certificate. From the materials placed on record, it would reveal that the deceased Nitin Sharda was working as Manager in the said Regent Strips

Pvt. Ltd., Gobindgarh. Deceased Nitin Sharda was a qualified person, having passed Master of Arts in History from Punjab University and was also pursuing his M. Phil. in History through a correspondence course from Himachal Pradesh University. He had already cleared the 1st Semester of the said course in April 2007.

10. In view of the Salary Certificate being duly proved, we are of the view that the Tribunal and the High Court have erred in not giving due weightage to the same. We find that the compensation to be paid on account of the death of the deceased Nitin Sharda ought to be worked out by considering his monthly income at Rs.15,000/-, and as such, we are inclined to allow the present appeals. The compensation on account of the death of the deceased Nitin Sharda is, therefore, being re-assessed as under:

S.No.	Heads	Calculations
(i).	Income	Rs.15,000/- per month
(ii).	40% of (i) above to be added as future prospects	Rs.15,000/- + Rs.6,000/- = Rs. 21,000/- per month
(iii).	½ of (ii) above deducted towards personal expenses.	Rs.21,000/- ÷ 2 = Rs.10,500/-
(iv).	Compensation after multiplier	Rs.10,500/- x 12 x 18 = Rs.22,68,000/- (deceased was 23 years of age)
(v).	Conventional Heads	Loss of Rs.30,000/- towards estate and funeral
(vi).	Loss of consortium	Rs.1,20,000/- (Rs. 40,000/- each to appellant Nos. 1 to 3)
(vii).	Loss of consortium	Rs.40,000/- (to appellant No.4- the mother)
(viii).	Total compensation awarded [(iv)+(v)+(vi)+(vii)]	Rs.24,58,000/-
	Enhanced amount of compensation **Tribunal**	Rs.24,58,000/- - Rs.4,10,000/- = Rs.20,48,000/-
	High Court	Rs.24,58,000/- - Rs.10,97,000/- = Rs.13,61,000/-

11. The enhanced compensation of Rs.13,61,000/- along with interest at the rate of 6% per annum shall be paid to the appellants within a period of three months from the date of this order.

12. The appeals are allowed in the above terms. No order as to costs. Pending applications, if any, shall stand disposed of.

.....J.
[B.R. GAVAI]

.....J.
[C.T. RAVIKUMAR]

NEW DELHI;
SEPTEMBER 19, 2022.