

by the High Court of Punjab and Haryana at Chandigarh, which, in turn was preferred against the order dated 28th April, 2016 in MACT Case No.2/2015 passed by the Motor Accident Claims Tribunal, Faridabad.

3. The brief facts giving rise to this appeal are that on 24th March 2014, the claimant-appellant No.1 along with her deceased husband, namely Mahesh, aged 35 years, was travelling in a three-wheeler¹ bearing registration No.HR-73-7426, driven by the Respondent No.1, namely, Ajay. Near Allahpur Chowk, NH-2, Palwal, the offending vehicle overturned, as Respondent No.1 was driving in a rash and negligent manner. The deceased got caught under the vehicle and consequently suffered serious head injuries. He was immediately taken to the City Hospital, Palwal, where the doctor declared him brought dead.

4. In connection with this incident, criminal case, being FIR No.138 dated 24th March, 2014 was registered at Police Station, City Palwal, against the driver of the offending vehicle under Sections 279 and 304-A of the Indian Penal Code, 1860.

5. A claim petition was filed on behalf of the claimant-appellants (the legal representatives of the deceased) under Section 166 of the Motor Vehicle Act, 1989, before the Tribunal seeking compensation to the tune of Rs.60,00,000/-, submitting

¹ Hereinafter referred to as the “Offending Vehicle”

therein that the deceased was working with M/s. L.C. Doors, Piyala Road, Village Seekri, District Faridabad, as a carpenter, as also working part time and was earning an amount of Rs.20,000/- per month.

6. The Tribunal *vide* its order, awarded an amount of Rs.15,15,000/- along with an interest @ 8% per annum from the date of filing of the claim petition till realisation, by considering the average monthly income of the deceased at Rs.12,000/- per month. Respondent Nos.1 to 3 are jointly and severally liable to pay the compensation to the claimant-appellants.

7. Being aggrieved by the amount of compensation awarded by the Tribunal, the claimant-appellants filed an appeal before the High Court on the ground that the compensation awarded by the Tribunal was inadequate and was on the lower side.

8. The High Court *vide* the impugned judgment, allowed the appeal and enhanced the compensation amount of Rs.9,79,728/-, by considering the income of the deceased as Rs.13,000/- per month. Reliance was placed on ***National Insurance Company Ltd. v. Pranay Sethi***², wherein this Court expounded the methods of calculating the loss of income under various heads, to award further compensation to the claimant-appellants. The High Court

²(2017) 16 SCC 680

awarded the total amount of compensation of Rs.24,94,728/- along with the rate of interest, as granted by the Tribunal.

9. Yet dissatisfied, the claimant-appellants are now before us. The significant point of challenge taken is that the Courts below have erred in computing the monthly income of the deceased as Rs.13,000/- per month, whereas he was earning a salary of Rs.20,000/- per month, by working as a carpenter.

10. We have heard the learned counsel for the parties.

11. We are inclined to interfere with the judgment of the Court below, in assessing the monthly income of the deceased. From a perusal of the statement of PW2, it is borne from the record that the deceased was earning Rs.15,750/- per month. This comes to be supported by Ex.P5 before the Tribunal, the attendance and salary register, concerning the deceased. The Courts below have taken a lower amount on the basis of his monthly average income as Rs.13,000/- per month. We do not deem it appropriate to take the amount, as has been uncontrovertibly deposed by PW2, with a view to awarding just and fair compensation and, therefore, in the attending facts and circumstances, we fix the income of the deceased at Rs.15,750/- per month.

12. In view of the aforesaid, the compensation now payable to the claimant-appellants, which is just fair and reasonable, would be recalculated as under :

CALCULATION OF COMPENSATION

Compensation Heads	Amount Awarded	In Accordance with:
Monthly Income	Rs.15,750/-	
Yearly Income	Rs.1,89,000/-	
Future Prospects (40%) (<i>Age being 35</i>)	1,89,000 + 15,600 = Rs.2,64,600/-	<i>National Insurance Co. Ltd. v. Pranay Sethi</i> (2017) 16 SCC 680 <i>Para 37, 39, 41, 42 and 59.4</i>
Deduction (1/3)	2,64,600 – 88,200 = Rs.1,76,400/-	
Multiplier (16)	1,76,400 X 16 = Rs.28,22,400/-	
Loss of Income of the Deceased	Rs.28,22,400/-	
Loss of Estate	Rs.18,150/-	<i>National Insurance Co. Ltd. v. Pranay Sethi</i> (2017) 16 SCC 680 <i>Para 59.8</i>
Loss of Funeral Expenses	Rs.18,150/-	
Loss of Consortium	48,400 X 3 = Rs.1,45,200/-	<i>National Insurance Co. Ltd. v. Pranay Sethi</i> (2017) 16 SCC 680 <i>Para 59.8</i> <i>United India Insurance Co. Ltd. v. Satinder Kaur,</i> (2021) 11 SCC 780 <i>Para 37.12</i> <i>Rajwati alias Rajjo and Ors v. United India Insurance Company Ltd. and Ors.</i> 2022 SCC Online SC 1699 <i>Para 34</i>
Total	Rs.30,03,900/-	

Thus, the difference in compensation is as under:

MACT	High Court	This Court
Rs.15,15,000/-	Rs.24,94,728-	Rs.30,03,900/-

13. The Civil Appeal is allowed in the aforesaid terms. The impugned Award dated 28th April, 2016 passed in MACT Case No.2 of 2015 by the Motor Accident Claims Tribunal, Faridabad, as modified by the High Court of Punjab and Haryana at Chandigarh, vide the impugned order dated 2nd February, 2023, passed in FAO No.757/2017 (O&M), stands further modified accordingly. Interest on the amount is to be paid as awarded by the Tribunal.

14. The amount be directly remitted into the bank account of the claimant-appellants. The particulars of the bank account(s) are to be immediately supplied by the learned counsel for the appellant to the learned counsel for the respondent. The amount be remitted positively within a period of four weeks thereafter.

Pending application(s), if any, shall stand disposed of.

.....**J.**
(SANJAY KAROL)

.....**J.**
(MANOJ MISRA)

**New Delhi ;
28th March, 2025.**