



IN THE HIGH COURT OF HIMACHAL PRADESH, SHIMLA

FAO (MV) No. : 155 of 2014

Reserved on : 18th April, 2026

Decided on : 30th April, 2026

State of Himachal Pradesh

.....Appellant

Versus

Memo Devi and Others

...Respondents

Coram

The Hon'ble Mr. Justice Virender Singh, Judge.

Whether approved for reporting?¹ Yes

For the appellant : Mr. H.S. Rawat, Additional Advocate General with Ms. Avni Kochhar Mehta, Deputy Advocate General.

For the respondents : Mr. Dibendar Ghosh, Advocate, for respondents No.1 to 5.

Mr. Vishwas Kaushal, Advocate vice Mr. Vivek Negi, Advocate for respondent No.6.

Mr. B.M. Chauhan, Senior Advocate with Mr. Amit Himalvi, Advocate for respondent No.7.

Virender Singh, Judge

State of Himachal Pradesh through Secretary PWD has preferred the present appeal, under Section 173 of the Motor Vehicles Act (hereinafter referred to as 'the M.V. Act'), against the award dated 03.07.2013, passed by learned Motor Accident Claims Tribunal (II), Shimla, District Shimla, H.P.

¹ Whether the reporters of Local Papers may be allowed to see the judgment? Yes.



(hereinafter referred to as 'the MACT'), in M.A.C. Petition No.66-S/2 of 2008, titled as 'Memo Devi & Others versus State of Himachal Pradesh & Others'.

2. By way of award dated 03.07.2013, the learned MACT has allowed the petition, filed by respondents No.1 to 5, for compensation, on account of death of their predecessor-in-interest Money Ram, in a road side accident, having taken place on 21.05.2004, involving vehicle No.HP08-0755 (hereinafter referred to as 'the offending vehicle'), against the respondents, being owners and insurer of the offending vehicle.

3. Vide award dated 03.07.2013, the learned MACT has awarded compensation of Rs.9,48,500/-, along with interest, at the rate of 7.5% per annum, from the date of filing of the petition, till realization of the whole amount from respondent No.1. Respondents No.1 and 2 have been held liable, jointly and severally, to pay the compensation, however, the ultimate liability to pay the compensation to the claimants has been fastened upon respondent No. 1 (appellant).



4. For the sake of convenience, the parties to the present *lis* are, hereinafter, referred to, in the same manner, in which, they were referred to, by the learned MACT.

5. Brief facts, leading to the filing of present appeal, before this Court, as emerge from the record, may be summed up, as under:-

5.1. According to the claim petition, predecessor-in-interest of claimants Money Ram was working as Beldar in HPPWD Division Chopal, on monthly salary of Rs.4890/-. In addition to this, he was earning Rs.2,000/- from the agriculture pursuits.

5.2. On 21.05.2024, Money Ram, along with other labourers, was deputed on Fadiz-Dhabas road. They were taken to the spot, in the morning, in the offending vehicle owned by respondent No.2, which was hired by HPPWD for the purpose of transporting the workers.

5.3. According to the claimants, it was regular practice to take the labourers/workmen to the site of work and bring them back to Gumma in the same vehicle after carrying out the work.

5.4. As per the claim petition, on the date of accident, when the offending vehicle was bringing them back and



reached near Bethal, the driver of the offending vehicle was driving the same, in a rash and negligent manner and he could not control the speed, due to which, the offending vehicle went off the road. Consequently, 29 persons died on the spot, along with Money Ram. Driver and cleaner of the offending vehicle, also died in the said accident.

5.5. It is the further case of claimants that Money Ram, at the time of accident, was aged about 30 years and he was working as Beldar in HPPWD Division Chopal. His income has been pleaded as Rs.4890/- per month and in addition to this, he was earning Rs.2,000/- per month from agricultural pursuits.

5.6. The information regarding the accident was given to Police Station Sadar Chopal, where, FIR No.58 of 2004, dated 22.05.2004, has been registered. Pleading their bright past and bleak future, the claimants have sought compensation of Rs.15,00,000/- from the respondents.

6. When put to notice, the claim petition has been contested by the respondents. Respondent No.1, has filed its reply, by taking the preliminary objections that the claim petition is not maintainable as cause of action, if any, for



filing the claim petition accrued only against driver, owner and insurer of the offending vehicle.

7. It has been pleaded that the accident, in question, had taken place at 6.00 p.m. on 21.05.2004. The offending vehicle neither belongs to the State, nor, the same was hired by the Department for carrying the labour to and fro. All the persons, who had lost their lives, voluntarily boarded the truck in order to avoid payment of fair, which they used to spend while traveling in bus. The claimants earlier had filed claim petition before S.D.M-cum-Commissioner under Workmen's Compensation Act, Chopal, which stood disposed of by the SDM, for want of jurisdiction.

8. On merits, the factum of accident, as well as the monthly salary of Money Ram has not been disputed. Registration of FIR has also been admitted, however, according to the State, Money Ram has voluntarily boarded the offending vehicle, without knowledge and consent of the State. The offending vehicle was not hired by the State for transportation of labour. Age of Money Ram, at the time of accident, has been pleaded as 39 years and he was a work-charge Beldar, drawing salary of Rs.4890/- per month.



9. Lastly, it has been pleaded that the offending vehicle was engaged by the Department, on daily basis, from 9.00 a.m. to 5.00 p.m. w.e.f. 17.05.2004 to 21.05.2004 for transporting the material.

10. On the basis of the above facts, a prayer has been made to dismiss the petition.

11. Respondent No.2 has filed separate reply, by taking the preliminary objections that the claim petition is not maintainable; the offending vehicle was hired by the Executive Engineer, HPPWD Chopal and the offending vehicle was under the exclusive control of respondent No.1. As such, respondent No.2, has sought the exoneration to his liability to pay the compensation. According to respondent No. 2, the driver of the offending vehicle was driving the same from 17.05.2000 till the date of accident, as per the instructions of respondent No.1, through Executive Engineer, HPPWD Chopal and the offending vehicle in question was insured with respondent No.3, at the time of accident.

12. On merits, the contents of the claim petition have mainly been denied for want of knowledge, by reasserting the stand, as taken in the preliminary objections. Factum of accident has not been disputed, however, according to him,



the driver of the offending vehicle was neither rash nor negligent.

13. Insurance Company of the offending vehicle has filed separate reply, by taking the preliminary objections that the petition is not maintainable against the Insurance Company, as the claimants have no cause of action to file the same; the accident had taken place, when the offending vehicle was hired by respondent No.1, to carry the laborers to the work site and drop them back in the evening at their respective places; the offending vehicle was registered and being plied as goods carrier and the same cannot be used to transport the passenger; the deceased was traveling as gratuitous passenger, as such, the Insurance Company is not liable to pay the compensation.

14. According to the Insurance Company, the offending vehicle was being plied, in violation of the terms and conditions of the insurance policy and the driver was not having valid and effective driving license to drive the same. The claim petition is stated to be collusive in nature, as the same has been filed by the claimants, in collusion with respondents No.1 and 2.



15. On merits, the contents of the claim petition have been denied, however, the factum of accident has not been disputed. Thus, the respondents have prayed for the dismissal of the claim petition.

16. From the pleadings of the parties, the learned MACT has framed the following issues, vide order dated 30.08.2010:

1. *Whether the deceased Money Ram @ Mand Ram died because of rash and negligent driving by driver of the Vehicle No.HP08-0755, as alleged?* OPP
2. *If issue No.1 is proved in affirmative, whether the petitioners are entitled to compensation. If so, how much and from whom?* OPP
3. *Whether the petition is not maintainable?* OPR
4. *Whether the deceased was traveling in the vehicle in question as unauthorized passenger. If so, its effect?* OPR.
5. *Whether the driver of the vehicle in question was driving the vehicle without any valid and effective driving licence. If so, its effect?* OPR-3
6. *Whether the vehicle in question was being driven at the relevant time in violation of the terms and conditions of Insurance Policy?* OPR-3
7. *Relief.*

17. Thereafter, the parties to the *lis* were directed to adduce evidence.



18. After the closure of evidence and after hearing learned counsel for the parties, the learned MACT has allowed the claim petition, as referred to above.

19. Feeling aggrieved from the said award passed by the learned MACT, the State has assailed the said award before this Court on the ground that the learned MACT has not framed 'proper issues', as per the pleadings. The award has also been assailed on the ground that the offending vehicle was hired for transporting stones and grit, however, the labourers used to board the offending vehicle to and fro, to their homes to avoid payment of bus fare, despite the fact, that regular bus service was available in the morning, as well as, in the evening.

20. According to the appellant-State, the learned MACT has not considered the specific stand of the appellant qua the fact that the offending vehicle was hired for transporting the material and the same was not hired to carry the labourers.

21. The award has also been assailed on the ground that the legal heirs of persons, who had lost their lives in the said accident, have approached the SDM Chopal, under the provisions of Workmen's Compensation Act. When a specific



stand has been taken by the State that the death has not been caused during the course of employment, the matter was transferred to LAO-cum-Workmen Compensation, Commissioner South Zone, Shimla, where the said petitions are still pending.

22. The award has also been assailed on the ground that the owner has wrongly taken the stand that the offending vehicle was under the control of respondent No.1, since 17.05.2004. The driver was never authorized to carry labourers and he was driving the offending vehicle, as per the instructions of Executive Engineer.

23. The findings of the learned MACT are stated to be erroneous on the ground that it is not proved on the record that the offending vehicle was under the control of State, at the relevant time, or, the driver had transported the labourers with implied or oral consent of the officers of the State.

24. On the basis of the above facts, a prayer has been made to allow the appeal, by setting aside the award passed by the learned MACT.

25. Per contra, Shri Dibender Ghosh, Advocate, appearing for the claimants has submitted that the appeal sans merit and the same may kindly be dismissed. He has



also submitted that the amount of compensation, awarded by the learned MACT, does not fall within the definition of 'just compensation', as such, the same may kindly be enhanced.

26. It is worthwhile to record herein that in the accident, in question, apart from the predecessor-in-interest of the claimants, a number of persons had also expired and their LRs had also filed the petitions for compensation. Those petitions were allowed by the learned MACT, by fastening the liability to pay the compensation on the State Government.

27. Those awards were assailed by the State, by way of FAO Nos.86 to 100, 632, 649 to 653, 676 and 677 of 2008. The said appeals were disposed of, by this Court, vide common judgment dated 27.11.2013 and the State has been treated as owner of the vehicle, at the relevant time. Relevant paragraphs 28 to 31 of the judgment are reproduced as under:-

“28. In view of overwhelming evidence adduced by the claimants, the only conclusion which can be drawn is that truck was hired by the HPPWD for the construction of Shaloo-Dhawas road. The truck was being driven under the instructions of Junior Engineer. He used to instruct the labourers to assemble at Gumma to facilitate their travelling from Gumma to the site of work. They were also being brought back to Gumma. Labourers were residents of villages near Gumma. The truck used to come from Gumma to the site of work in the



morning and used to go back to Gumma in the evening. The labourers were residents at a distance of 25 KMs from the work site. Junior Engineer had instructed the driver to carry the labourers in the morning and evening. It has also come in the evidence that labourers also used to load and unload stones also. The truck was under the control of personnel of the HPPWD. The HPPWD has rightly been treated as owner by the Motor Accident Claims Tribunal.

29. Their Lordships of the Hon'ble Supreme Court in **Zila Sahakari Kendrya Bank Maryadit v. Shahjadi Begum and others**, 2006 ACJ 2845, where jeep of bank alongwith its driver was requisitioned for election duty, have held that the requisitioning authority was the employer. Their Lordships have held as under:

“11. However, the term “employee” has not been defined in the Act. The definition of employer, therefore, embraces within its fold not only a person who employs another either permanently or on temporary basis but also those who were in control of the workman temporarily lent or let on hire to them by the person with whom the workman has entered into a contract of service. It is, therefore, a broad definition.

12. Para 13 corrected vide Official Corrigendum No.F.3/Ed.B.J./7/2007 date 27-1-2007. Indisputably, the owner of the jeep was bound to comply with the order of requisition of a vehicle when the same is required to be placed on election duty. If the deceased was under the control of the Bank herein and in effect and substance under the control of Respondent 2, the Commissioner of Workmen's Compensation committed jurisdictional error in directing the appellant to deposit the amount of compensation. The High Court, in that view of the matter, should have, in our considered view, taken a



liberal view in the matter and condoned the delay in filing the appeal as also depositing the awarded amount in the court. If the order passed by the Commissioner of Workmen's Compensation was wholly without jurisdiction, the same was a nullity. It was a coram non judice. It has been found as of fact by the Commissioner of Workmen's Compensation that the deceased was under the complete control of the requisitioning authority. He would, therefore, be the employer. As the jeep was requisitioned under a statute, the Bank had no other option but to put the same under the services of the requisitioning authority. In terms of requisition, the services of the deceased, thus, were also placed. The employer, thus, would be the requisitioning authority, namely, the State of M.P.

13. We, therefore, are of the opinion that the requisitioning authority is liable to pay the amount of compensation. Although the State of M.P. is not a party before us, keeping in view the fact that Respondent 2 was its employee and a jeep was requisitioned under the authority of the District Election Officer, interest of justice would be subserved if the appellant herein is directed to be reimbursed in respect of the amount which has already been deposited by him in terms of the order of the Commissioner of Workmen's Compensation. The amount deposited by the appellant shall be returned to it within eight weeks from today failing which the same shall carry interest at the rate of 6% per annum from the said date till the actual payment."

30. Their Lordships of the Hon'ble Supreme Court in National Insurance Co. Ltd. v. Deepa Devi and others, 2008 ACJ 705 have held that when the car was requisitioned by the Election Department save and except for legal ownership, for all



intents and purport the registered owner loses entire control over the vehicle and the State alone is liable. Their Lordships have held as under:

“8. The 1988 Act was enacted to consolidate and amend the law relating to motor vehicles. It repeals and replaces the Motor Vehicles Act, 1939 (for short “the 1939 Act”). 9. “Owner” has been defined in Section 2(19) of the 1939 Act to mean: “In this Act, unless the context otherwise requires,

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(19) “owner” means, where the person in possession of a motor vehicle is a minor, the guardian of such minor, and in relation to a motor vehicle which is the subject of a higher purchase agreement, the person in possession of the vehicle under that agreement;” However, the said definition underwent a change by reason of Section 2(30) of the 1988 Act providing: ”

In this Act, unless the context otherwise requires,

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(30) “owner” means a person in whose name a motor vehicle stands registered, and where such person is a minor, the guardian of such minor, and in relation to a motor vehicle which is the subject of a hire-purchase, agreement, or an agreement of lease or an agreement of hypothecation, the person in possession of the vehicle under that agreement;”

10. Parliament either under the 1939 Act or the 1988 Act did not take into consideration a situation of this nature. No doubt, Respondent Nos. 3 and 4 continued to be the registered owner of the vehicle despite the fact that the same was requisitioned by the District Magistrate in



exercise of its power conferred upon it under the Representation of People Act. A vehicle is requisitioned by a statutory authority, pursuant to the provisions contained in a statute. The owner of the vehicle cannot refuse to abide by the order of requisition of the vehicle by the Deputy Commissioner. While the vehicle remains under requisition, the owner does not exercise any control thereover. The driver may still be the employee of the owner of the vehicle but he has to drive it as per the direction of the officer of the State, who is put in-charge thereof. Save and except for legal ownership, for all intent and purport, the registered owner of the vehicle loses entire control thereover. He has no say as to whether the vehicle should be driven at a given point of time or not. He cannot ask the driver not to drive a vehicle on a bad road. He or the driver could not possibly say that the vehicle would not be driven in the night. The purpose of requisition is to use the vehicle. For the period the vehicle remains under the control of the State and/ or its officers, the owner is only entitled to payment of compensation therefor in terms of the Act but he cannot not exercise any control thereupon. In a situation of this nature, this Court must proceed on the presumption that the Parliament while enacting the 1988 Act did not envisage such a situation. If in a given situation, the statutory definitions contained in the 1988 Act cannot be given effect to in letter and spirit, the same should be understood from the common sense point of view.

15. In *Kailash Nath Kothari (supra)*, however, this Court in a case, where a bus was given on lease by the owner of the vehicle Shri Sanjay Kumar in favour of the Rajasthan State Road Transport Corporation, held that when an accident takes place when the bus was plied under



the control of the Corporation, it was the Corporation alone who would be liable for payment of compensation, stating:

"Driver of the bus, even though an employee of the owner, was at the relevant time performing his duties under the order and command of the conductor of RSRTC for operation of the bus. So far as the passengers of the ill-fated bus are concerned, their privity of contract was only with the RSRTC to whom they had paid the fare for travelling in that bus and their safety therefore became the responsibility of the RSRTC while travelling in the bus. They had no privity of contract with Shri Sanjay Kumar, the owner of the bus at all. Had it been a case only of transfer of services of the driver and not of transfer of control of the driver from the owner to RSRTC, the matter may have been somewhat different. But on facts in this case and in view of Conditions 4 to 7 of the agreement (supra), the RSRTC must be held to be vicariously liable for the tort committed by the driver while plying the bus under contract of the RSRTC. The general proposition of law and the presumption arising therefrom that an employer, that is the person who has the right to hire and fire the employee, is generally responsible vicariously for the tort committed by the employee concerned during the course of his employment and within the scope of his authority, is a rebuttable presumption. If the original employer is able to establish that when the servant was lent, the effective control over him was also transferred to the hirer, the original owner can avoid his liability and the temporary employer or the hirer, as the case may be, must be held vicariously liable for the tort committed by the employee concerned in the course of his employment while under the command and control of the hirer notwithstanding



the fact that the driver would continue to be on the payroll of the original owner. The proposition based on the general principle as noticed above is adequately rebutted in this case not only on the basis of the evidence led by the parties but also on the basis of Conditions 6 and 7 (supra), which go to show that the owner had not merely transferred the services of the driver to the RSRTC but actual control and the driver was to act under the instructions, control and command of the conductor and other officers of the RSRTC."

We may also notice at this stage certain judgments of some High Courts.

16. In The National Insurance Co. Ltd. v. Durdadahya Kumar Samal and Others [1988 (2) T.A.C. 25] where the vehicle was requisitioned by the Collector for election duty, the High Court of Orissa held:

"In a vehicle requisitioned, the driver remains under the control of the Collector and by such driving the vehicle he can be accepted to have been employed by the Collector. Thus, the Collector would be vicariously liable for the act of the driver in the present case."

[See also New India Assurance Co. Ltd. v. S. Ramulamma and others 1989 ACJ 596]

17. In Chief Officer, Bhavnagar Municipality and another v. Bachubhai Arjanbhai and others [AIR 1996 Gujarat 51], the High Court of Gujarat held:

"7. The facts on record clearly indicate that the vehicle in question which belonged to the State of Gujarat was entrusted to the Municipality for distribution of water to the citizens. It was implicit in allowing the vehicle being used for such purpose that



the State of Gujarat which owned the vehicle also caused or allowed any driver of the Municipality who was engaged in the work of distribution of water to the citizens, to use motor vehicle for the purpose. Therefore, when the vehicle was driven by the driver of the Municipality and the accident resulted due to his negligence, the insurer of the vehicle became liable to pay the compensation under the provisions of the Act. It is, therefore, held that the State, as the owner of the vehicle and the respondent Insurance Company as its insurer were also liable to pay the compensation awarded by the Tribunal."

18. We, therefore, are of the opinion that the State shall be liable to pay the amount of compensation to the claimants and not the registered owner of the vehicle and consequently the appellant herein.

31. Motor Accident Claims Tribunal has rightly held the appellant liable to pay the compensation. Motor Accident Claims Tribunal has also correctly assessed the income of the deceased in all the cases and applied the appropriate multiplier."

28. Even otherwise, a specific stand has been taken by the owner, in preliminary objection No.2, that the offending vehicle was hired by Executive Engineer, HPPWD, through truck operators Union, Chopal. The State has taken a stand in the reply before the learned MACT that the offending vehicle was not hired by the State for transportation of the labourers, however, hiring of the offending vehicle has not been disputed.



29. RW-2, Balbir Singh, Junior Engineer, when appeared in the witness-box, has deposed that the authorities of Sub-Division Nerwa, had hired the offending vehicle for transportation of stones for the work w.e.f. 17.05.2004 to 21.05.2004. According to him, the vehicle was hired for being used from 9.00 a.m. to 5.00 p.m. He has also deposed that the labourers used to report at the work site at 9.00 a.m. and Department has not made any arrangement for transportation of the labour. However, in the opening lines of his cross-examination, he has admitted that no agreement in writing was executed with the truck union. He has also admitted that no such writing was executed that the truck was to remain with the Department from 9.00 a.m. to 5.00 p.m. only. This witness has deposed that deceased Money Ram was his Beldar and he was deputed at the work site. He has also admitted that the offending vehicle was being plied under their instructions. The tone and tenor of RW-2 clearly depicts that the offending vehicle was hired by them w.e.f. 17.05.2004 to 21.05.2004, the day, when, the accident had taken place.

30. Owner of the offending vehicle also appeared in the witness-box as RW-1 and deposed that the offending



vehicle, at the relevant time, was with PWD, as, they had to transport the grit and stones, to the construction site and that the driver of the offending vehicle was driving the same under the directions of the PWD authorities. According to this witness, the place, where, the work was executed by the PWD authorities, is about 20 kilometers from truck Union. Till the time, vehicle remained with PWD authorities, this witness had no control over the same. He has further deposed that he has not authorized the driver to permit the passengers to board the same. He has feigned his ignorance about the instructions, if any, issued by the PWD authorities to the driver.

31. In view of the above depositions as discussed above, as well as, in view of the decision rendered by this Court in FAO No.86 of 2008, titled as State of H.P. versus Fundi Devi & Others, along with its connected matters, there is no substance in the submissions made by learned Additional Advocate General that the State is not liable to pay the compensation, whereas, it is proved, in the case referred above, that the offending vehicle was under the exclusive control of the State, when the accident had taken place. As



such, State has rightly been held liable to pay the compensation.

32. It is no longer *res integra* that the provisions of M.V. Act are beneficial piece of legislation and the endeavour of the Court/Tribunal should be to provide 'just compensation' to the claimants, The proceedings, under the M.V. Act, are summary in nature, where, the liability of tort feasor is to be fixed, on the basis of preponderance of probabilities and strict rules of evidence are not applicable.

33. In case 'just compensation' is not awarded, this Court can enhance the awarded the amount, by exercising the powers under Order 41 Rule 33 of the CPC, even if, the claimants have not filed appeal/cross-objections. Moreover, there is no legal requirement for the claimants to specify a particular amount of compensation in the claim petition. Hence, even in the absence of appeal/cross-objections, on behalf of the claimants, the awarded amount can be enhanced, by this Court.

34. Being guided by the settled proposition of law, this Court would now straightaway proceed to determine, as to whether the amount of compensation, which has been



awarded to the claimants, falls within the definition of 'just compensation' or the same is liable to be enhanced.

35. As stated above, the learned MACT, in the present case has awarded a sum of Rs.9,48,500/-. Although, the claimants have not filed the appeal, but, this does not preclude this Court to assess the fact whether the amount of compensation falls within the definition of just compensation or not.

36. As per the claim petition, the age of deceased Money Ram, at the time of accident/death, was 30 years, however, in the postmortem report, his age has been mentioned as 37 years. As per the date of birth certificate, Ex.PW-5/A, the date of birth of the deceased was 12.11.1965 and the accident had taken place on 21.05.2004. As such, the age of the deceased has rightly been held to be proved as 39 years.

37. In view of the law laid down by the Hon'ble Apex Court in ***Sarla Verma versus Delhi Transport Corporation and Another, (2009) 6 Supreme Court Cases 121***, the learned MACT has rightly applied the multiplier of 15, in the present case.



38. So far as the income of the deceased during his life time is concerned, as per the claimants, he was getting Rs.4890/- as salary from the PWD and also earning Rs.2,000/- per month, from the agricultural pursuits.

39. Claimant No.1, Memo Devi, while appearing in the witness-box, has deposed that her husband was working with PWD and earning Rs.5,000/- per month, by working as Beldar. Apart from this, he was earning Rs.2,000/- per month from agricultural pursuits.

40. As per the stand of the employer, i.e., respondent No.1, salary of Money Ram was Rs.4890/- per month. His salary certificate has been proved as Ex.PW-3/A. Learned MACT has taken the salary of Money Ram, during his life time as Rs.7612/-. This has been done by the learned MACT, on the basis of the fact that there is possibility that his salary would be double, at the time of retirement.

41. The said approach of learned MACT is not sustainable in the eyes of law. His salary has proved to be Rs.4890/- per month and it cannot be expected from a full time worker to earn from agricultural pursuits. However, in view of the decision of the Hon'ble Apex Court in ***National Insurance Company Limited vs. Pranay Sethi and others,***



(2017) 16 SCC 680, 50% increase is liable to be given in the income of Money Ram, on account of his future prospects, as he was working in public sector. Thus, by adding 50%, on account of future prospects, in his earnings, his monthly income comes to Rs.7,335/- (Rs.4,890/- + Rs.2,445/-).

42. Out of the said amount, $\frac{1}{4}$ th amount is liable to be deducted, towards his personal expenses, had he been alive. Thus, his contribution towards the family comes to Rs.5501/-, per month. As such, the amount of compensation awarded to the claimants on account of loss of dependency, comes to Rs.5501/- x 12 = Rs.66,012/- per annum.

43. In view of the decision of Hon'ble Supreme Court in **Pranay Sethi's**, the claimants are also held entitled to the compensation under the conventional heads, namely, loss of estate, loss of consortium and funeral expenses, which is liable to be enhanced at the rate of 10%, in every three years. The judgment in **Pranay Sethi's** case was passed on 31.10.2017, whereas, the learned MACT has given lesser amount under the head loss of estate, funeral charges, as well as, consortium.

44. The learned MACT has given a sum of Rs.10,000/-, as transportation charges, which is not liable to



be paid to the claimants, in view of the dictum of the Hon'ble Supreme Court, in Pranay Sethi's case.

45. So far as the consortium is concerned, the learned MACT has given only to petitioner No.1, whereas, in view of the decision of the Hon'ble Apex Court in **Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, (2018) 18 SCC 130**, all the claimants are also entitled to the compensation, under the head 'loss of consortium'.

46. Consequently, the entitlement of all the claimants is liable to be reassessed, by this Court, which is as under:-

1. Loss of contribution =	Rs.9,90,180/-	(₹66,012/-x15)
2.Loss of estate =	₹19,500/-	(₹15,000/- + ₹4500/-)
3.Funeral expenses=	₹19,500/-	(₹15,000/- + ₹4500/-)
4.Loss of consortium=	₹2,60,000/-	(₹40,000x5+ ₹60,000/-)
Total=	Rs.9,90,180+19,500+19,500+	
	Rs.2,60,000=	Rs.12,89,180/-

47. In view of the above, the compensation awarded by the learned MACT is liable to be enhanced.

48. Consequently, the present appeal is dismissed, however, the awarded amount is enhanced, in the above terms. The claimants are held entitled for the amount of Rs.12,89,180/-, along with interest @ 7.5%, from the date of filing of petition till the realization of amount, from



respondent No.1. The award is inclusive of the amount, if any, awarded under Section 140 of the Act. The award passed by the learned MACT is modified in the above terms.

49. Memo of costs be prepared.
50. Pending application(s), if any, are also disposed of.
Record be sent back.

April 30, 2026 (ps)

(Virender Singh)
Judge