



FAO-2822-2007 (O&amp;M)

-1-

232

**IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

-.-

**FAO-2822-2007 (O&M)  
Date of Decision : 21.11.2024**

Smt. Shakuntla Devi and Others

...Appellants

VERSUS

Satish Kumar and Another

...Respondents

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

Present: Mr. Ravinder Malik, Advocate for the appellants.

Mr. Ashwani Talwar, Advocate  
Mr. Satpal Dhamija and Mr. Deepak Goyat, Advocates  
for the respondent – Insurance Co.

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**SUDEEPTI SHARMA, J. (Oral)**

1. The present appeal has been preferred by the claimants/appellants against the award dated 04.01.2007 passed by the learned Motor Accident Claims Tribunal, Kurukshetra (for short, 'the Tribunal') under Section 166 of the Motor Vehicles Act, 1988, whereby, the claim petition filed by the claimants/appellants was dismissed.

**BRIEF FACTS OF THE CASE**

2. The brief facts of the case as mentioned in the claim petition are that on 20.03.2005 at about 6.30 PM Gian Chand (since deceased) was crossing G.T.Road while riding on bicycle at normal speed as per traffic rules. In the meantime respondent No.1 while driving motor cycle bearing registration No. HR-07H/0508, rashly and negligently came and hit the bicycle of Gian Chand, due to which, Gian Chand fell down and received multiple, serious and grievous injuries including fracture and later on died. It has been alleged that the accident

**FAO-2822-2007 (O&M)****-2-**

was caused due to sole rash and negligent driving of the said motor cycle by respondent No.1 and a criminal case was also got registered against him.

3. Upon notice, respondents appeared and denied the factum of accident/compensation.

4. From the pleadings of the parties, the Tribunal framed the following issues:-

- i) Whether the accident in question resulting into death of deceased Gian Chand was caused due to rash and negligent driving of motor cycle No.HR-07H/0508, on the part of its driver, respondent No.1, as alleged? OPP
- ii) If issue No.1 is prove, to what amount of compensation, the petitioners are entitled to and from whom? OPP
- iii) Whether respondent No.1 was holding a valid and effective driving licence on the alleged date of accident? OPR
- iv) Relief.

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal dismissed the claim petition of the claimants/appellants. Hence the claimants/appellants filed the present appeal for grant of compensation.

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

6. The learned counsel for the claimants-appellants contends that only on the ground that the FIR was lodged after a period of 07 days, the claim petition was dismissed. He further contends that while dismissing the claim petition the

**FAO-2822-2007 (O&M)****-3-**

Tribunal has not taken into consideration the evidence of PW-2 – Shiv Inder Pal Singh. He, therefore, prays that the present appeal be allowed.

7. Per contra, learned for the respondent-Insurance Company argues that the learned Tribunal vide award dated 04.01.2007 has rightly dismissed the claim petition filed by the claimants/appellants. Therefore, he prays for dismissal of the present appeal.

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

9. The relevant portion of the award dated 04.01.2007 is reproduced as under:-

*“8. To begin with it has been argued by learned counsel for the petitioners that Gian Chand husband of petitioner No.1 and father of petitioner Nos.2 to 5 was employed as Lineman in UHBVN at Power House Karnal road Pipli. On 20.3.2005 at about 6.30 P.M. he was coming back after his duties. He was on bicycle. Motorcycle no.HR-07H/0508 being driven by Satish Kumar came and hit Gian Chand who was crossing the G.T.road. He fell down and received multiple grievous injuries and also suffered fracture. He succumbed to his injuries. The accident had taken place due to negligence of respondent no.1. Shiv Inder Pal was the eye witness of the said accident. He has been examined as PW2. He has specifically deposed that he had witnessed the accident on 20.3.2005 at about 6.30 P.M. He was coming from the side of Sector 2-3 and was going towards G.T.road. In the meantime Motorcycle make Splender bearing*



registration no. HR-07H/0508 was coming from the side of Sector 2-3. Respondent no.1 driver of the said motorcycle was driving the motorcycle in rash and negligent manner. He struck his motorcycle into the bicycle of Gian Chand who was coming from Umri side on G.T.road and was going towards Pipli. As a result of impact, Gian Chand cyclist fell down on the road and sustained multiple injuries on his body. On enquiry the cyclist told his name as Gian Chand and the driver of the motorcycle told his name as Satish Kumar. A government Ambulance came there from Umri side and was got stopped. He shifted injured in the Ambulance. Learned counsel for the claimants has placed on record copy of post-mortem report of Gian Chand as Ex.P1, in which the cause of death has been shown as head injury and infection of lungs which were anti-mortem in nature and sufficient to cause death in normal course of nature. The copy of FIR has also been placed on record as Ex.P3. Satish Kumar respondent no.1 has been facing trial under Sections 279, 304-A IPC in the court at Kurukshetra under F.I.R.No.87 dated 26.3.2005. The copy of report under section 173 Cr.P.C. has been placed on record as Ex.P4.

9. To rebut the arguments of learned counsel for the claimants, it has been argued by learned counsel for respondents no.1 and 2 that no accident had taken place between motorcycle no. HR- 07H/0508 and the bicycle of Gian Chand deceased. Respondent no.1 has been falsely implicated in order to get false claim. If at all the accident had taken place it was not due to rash and negligent driving of respondent



*no.1 rather it was Gian Chand himself who was driving the cycle negligently.*

*10. The learned counsel for respondent no.3 insurance company has argued that a concocted story has been formulated with regard to accident between cycle of Gian Chand deceased and motorcycle no. HR-07H/0508 allegedly being driven by respondent no.1 Satish Kumar. The accident has been alleged on 20.3.2005 at 6.30 P.M. and the FIR has been registered on 26.3.2005, which shows the concocted and an after thought version.*

*11. Perusal of record shows that FIR under sections 279, 337, 338 IPC was registered on 26.3.2005 on the statement of Shiv Inder Pal Singh, which is to the effect that on 20.3.2005 at around 6.30 P.M. he was going on intersection of sector 2/3 on foot. When he reached near G.T.road, a motorcycle was coming from side of sector 2 in rash and negligent manner. He hit the cycle coming from opposite side. The cyclist and the motorcyclist fell down on the road. Learned counsel for the claimants has examined said eye witness Shiv Inder Pal as PW2. He is the only eye witness of the said accident. Suspicion has arisen in the statement of the alleged eye witness. As per his version after the accident, he had shifted injured Gian Chand in a government Ambulance. After that he did not lodge the FIR with the police. Injured Gian Chand was shifted to L.N.J.P. Hospital, Kurukshetra. From where he was referred to P.G.I.Chandigarh. There he remained admitted for seven days and was referred back to L.N.J.P.Hospital,*



FAO-2822-2007 (O&amp;M)

-6-

*Kurukshetra. The family members of Gian Chand deceased took him to Apna Hospital, Kurukshetra instead of L.N.J.P. Hospital. When the doctors of Apna Hospital did not admit him in the hospital, he was again being taken to L.N.J.P. Hospital and on the way he died. In whole of this story, it is not apparent as to whether after the accident on 20.3.2005 till 11.4.2005 whether Gian Chand was conscious at any stage or not. His statement was not recorded at any stage. The police had gone to Civil Hospital from where it was informed that the injured was referred to P.G.I. Chandigarh. On 21.3.2005 the police had gone to PGI Chandigarh and the doctors declared him unfit to record statement. Again on 24.3.2005 the doctors of P.G.I. declared him unfit to record statement. It was only on 26.3.2005 that statement of Shiv Inder Pal Singh was recorded. Till 26.3.2005, the prosecution was not aware of the manner of the accident in which Gian Chand had suffered injuries. In his statement, Shiv Inder Pal Singh alleged eye witness has stated that on 26.3.2005 he was going to house of Gian Chand injured to know about his condition, the police party met him on the way and he got recorded his statement before the police. It is not apparent on the record as to why the alleged eye witness did not bother to give statement before the police to narrate the accident in which Gian Chand had received injuries. There is no explanation of delay in recording the FIR. It seems to be an after thought story. It may be case of hit and run. Some vehicle might have hit the cycle of Gian Chand and after hitting he might have run away. At this stage*



FAO-2822-2007 (O&amp;M)

-7-

*and that too after 7 days of the accident, it was realized that FIR had not been registered and here comes introduction of Shiv Inder Pal Singh as an eye witness. The FIR was registered on 26.3.2005 against Satish Kumar respondent no.1. The file of criminal case has also been summoned. It shows that the vehicle i.e. motorcycle no. HR-07H/0508 was taken into police custody on 19.4.2005. Satish Kumar respondent no.1 being accused was also formally arrested on 19.4.2005. It is pertinent to mention here that on 11.4.2005 Gian Chand injured had succumbed to his injuries and had died. Though at the time of arguments, it has been averred by learned counsel for the petitioners that Shiv Inder Pal Singh eye witness had made statement before the police on 20.3.2005 itself and it was the fault of police that the FIR was not registered till 26.3.2005, yet in his statement dated 26.3.2005, Shiv Inder Pal Singh the alleged eye witness has not stated even a single word that his statement was recorded by the police on 20.3.2005 but the FIR was not recorded till 26.3.2005. It seems that the counsel for the petitioners is trying to fill up the gap in recording the FIR. It is not apparent on the record that Gian Chand was conscious even after the accident. Shiv Inder Pal Singh eye witness has stated that he had asked the injured and he told this name as Gian Chand. It is strange that he did not bother to accompany the injured to hospital. At the time of recording the FIR he has stated that he had made telephonic call to the residence of Gian Chand; whereas while deposing as PW2 he has stated that he had not made any telephonic*



*call at the house of Gian Chand deceased. In criminal case statement of Shiv Inder Pal the alleged eye witness has not been recorded till now. In the present case Satish Kumar driver has not been examined by the respondents. It creates doubt on the manner of accident with the motorcycle of Satish Kumar respondent no.1. He has not been examined presumably to avoid cross-examination. It all creates doubt in the story put forward by the eye witness at the instance of petitioners and the police. Shiv Inder Pal Singh seems to be an introduced as eye witness after seven days of the accident.*

*12. There is no other evidence of the said accident. PW1 Smt. Shakuntla Devi is widow of Gian Chand deceased. She is not the eye witness of the accident. The testimony of PW2 Shiv Inder Pal Singh is suspicious merely on the ground of delay of six days in lodging the FIR without any reasonable explanation. It is not disputed that Gian Chand deceased had received injuries but the claimants have failed to prove that the injuries were suffered by Gian Chand deceased, as a result of rash and negligent driving of respondent no.1 while driving motorcycle no. HR-07H/0508 make Splender on 20.3.2005 at 6.30 P.M.*

*13. Though there is no requirement of law that FIR must be registered but in the present days scenario the FIR has to be lodged promptly. Though, FIR is not necessary to be recorded for either prosecution or claimants, yet it is first information report to the police with regard to happening of any accident. Since the FIR was lodged*



*after six days unexplained delay, a suspicion has crept in with regard to authenticity of the version of alleged eye witness.*

*14. In view of foregoing discussion, it is hereby observed that learned counsel for the claimants has failed to prove that Gian Chand deceased has suffered injuries and later on succumbed to injuries as a result of accident which had taken place due to rash and negligent driving of respondent no.1 while driving motorcycle bearing no. HR-07H/0508. Hence, this issue is decided against the claimants and in favour of respondents.”*

#### **ANALYSIS OF THE RECORD**

10. A perusal of the record shows that FIR No.87 was lodged against Satish Kumar respondent No.1 under Sections 279, 337, 338 IPC on 26.03.2005. A perusal of the post mortem report Ex.P/1 shows that in the column information furnished by police accident has been written. The cause of death is due to head injury and chest infection i.e infection of lungs which are ante mortem in nature and sufficient to cause death in normal course of nature.

11. Ex.P/4 is the copy of report under Section 173 Cr.P.C in the case State Vs. Satish Kumar in FIR No.87, dated 26.03.2005 under Section 279, 304/A IPC, Police Station Sadar Thanesar.

12. Ex.P/5 is the copy of site plan which shows the place of accident. Shakuntala Devi (wife of deceased Gian Chand) was examined as PW/1. She stated the factum of accident and she further stated that she has received information regarding this accident through telephone and thereafter they reached Civil Hospital, Kurukshetra, from where her husband was got transferred to PGI,

**FAO-2822-2007 (O&M)****-10-**

Chandigarh. He remained admitted there for seven days. Thereafter the doctors of PGI referred him back to L.N.J.P Hospital, Kurukshetra. During the course of shifting from one hospital to another, he died on the way on 11.04.2005.

13. Shiv Inder Pal Singh was examined as PW-2, who is stated to be eye-witnesses of the said accident. He deposed the factum of accident and regarding the rash and negligent driving of respondent No.1. He stated that after the accident he was going to inform the police. The Police Station was one and a half kilometer away from the place of accident, when police gypsi met him near the bus stand Pipli at 6.55 PM on 20.03.2005 and got recorded his statement with respect to the accident. He further named the police officers, that police party was consisting of Sh.Bhim Sain, ASI and 2-3 constables.

14. Dr. Sarah Aggarwal, Medical Officer L.N.J.P Hospital, Kurukshetra was examined as PW-3. She conducted post mortem on the dead body of Gian Chand. She stated that it was a case of road side accident.

15. E.H.C Duli Chand was examined as PW-5, who brought summoned record pertaining to FIR No.87, dated 26.03.2005 under Sections 279, 337, 338, 304-A IPC of Police Station Thanesar which proves that respondent No.1 was facing trial.

### **CONCLUSION**

16. From the above analysis of the record, the factum of accident is proved. Learned Tribunal has dismissed the claim petition on the ground that the FIR was not lodged promptly and further that statement of Shiv Inder Pal Singh, PW-2 is suspicious and further on the ground that whether from the date of accident Gian Chand was conscious at any stage or not. Further on 21.03.2005 he



had gone to PGI and doctors declare him unfit to record statement. Again on 24.03.2005, the doctors of PGI declared him unfit to record the statement.

17. The reasoning given by the learned Tribunal in dismissing the present claim petition is not acceptable to this Court. Instead of examining and appreciating the series of circumstances at that point of time when the deceased was admitted and referred from one hospital to other, which is undisputed, learned Tribunal dismissed the claim petition. Therefore, the award requires indulgence of this Court.

18. With respect to determination of compensation, the award contains evidence of hospital admissions, the deceased's earning and his age etc. Consequently this Court shall adjudicate the compensation in accordance with the documented evidence on the record.

19. The claimants are also entitled for pain and suffering in view of judgment of Hon'ble the Apex Court in a case of **Divisional Manager, Oriental Insurance Co. Ltd vs. Maran Chandra Das and others, 2023 ACJ 864** wherein it has been held as under:-

“ Having heard learned counsel for the petitioner at a considerable length, we do not find any ground to interfere with the impugned judgment dated 7.1.2021 passed by the High Court of Tripura.

2. The question of law sought to be raised on behalf of the petitioner does not arise for consideration for the reason that the deceased son of the respondent(s) met with an accident on 20.10.2015 and he remained hospitalised at Kolkata where multiple surgeries



*were performed on him. However, he could not survive and succumbed to injuries on 13.9.2016.*

3. *In the peculiar facts and circumstances of this case, where the parents witnessed the pain, agony and suffering of their son for almost one year, the compensation awarded by the High Court, under the head of pain and suffering, cannot be said to be without any basis. The parents themselves also suffered unbearable pain every moment during this entire period”*

20. Regarding Issue No.3 i.e. *Whether respondent No.1 was holding a valid and effective driving licence on the alleged date of accident*, learned Tribunal decided the issue against respondent No.2-Insurance Company and in favour of respondent No.1 (Driver).

### **SETTLED LAW ON COMPENSATION**

21. Hon'ble Supreme Court in the case of **Sarla Verma Vs. Delhi Transport Corporation and Another** [(2009) 6 Supreme Court Cases 121], laid down the law on assessment of compensation and the relevant paras of the same are as under:-

*“30. Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in Trilok Chandra, the general practice is to apply standardised deductions. Having a considered several subsequent decisions of this Court, we are of the view that where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of*



*dependent family members is 2 to 3, one-fourth (1/4th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family members exceeds six.*

*31. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent(s) and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant and the mother alone will be considered as a dependant. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependants, because they will either be independent and earning, or married, or be dependent on the father.*

*32. Thus even if the deceased is survived by parents and siblings, only the mother would be considered to be a dependant, and 50% would be treated as the personal and living expenses of the bachelor and 50% as the contribution to the family. However, where the family of the bachelor is large and dependent on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living*



*expenses may be restricted to one-third and contribution to the family will be taken as two-third.*

\* \* \* \* \*

*42. We therefore hold that the multiplier to be used should be as mentioned in Column (4) of the table above (prepared by applying Susamma Thomas<sup>3</sup>, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.*

22. Hon'ble Supreme Court in the case of **National Insurance Company Ltd. Vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]** has clarified the law under Sections 166, 163-A and 168 of the Motor Vehicles Act, 1988, on the following aspects:-

- (A) Deduction of personal and living expenses to determine multiplicand;
- (B) Selection of multiplier depending on age of deceased;
- (C) Age of deceased on basis for applying multiplier;
- (D) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses, with escalation;



(E) Future prospects for all categories of persons and for different ages: with permanent job; self-employed or fixed salary.

The relevant portion of the judgment is reproduced as under:-

*“52. As far as the conventional heads are concerned, we find it difficult to agree with the view expressed in Rajesh<sup>2</sup>. It has granted Rs.25,000 towards funeral expenses, Rs 1,00,000 towards loss of consortium and Rs 1,00,000 towards loss of care and guidance for minor children. The head relating to loss of care and minor children does not exist. Though Rajesh refers to Santosh Devi, it does not seem to follow the same. The conventional and traditional heads, needless to say, cannot be determined on percentage basis because that would not be an acceptable criterion. Unlike determination of income, the said heads have to be quantified. Any quantification must have a reasonable foundation. There can be no dispute over the fact that price index, fall in bank interest, escalation of rates in many a field have to be noticed. The court cannot remain oblivious to the same. There has been a thumb rule in this aspect. Otherwise, there will be extreme difficulty in determination of the same and unless the thumb rule is applied, there will be immense variation lacking any kind of consistency as a consequence of which, the orders passed by the tribunals and courts are likely to be unguided. Therefore, we think it seemly to fix reasonable sums. It seems to us that reasonable*



*figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000, Rs.40,000 and Rs.15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads.*

\* \* \* \* \*

*59.3. While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax.*

*59.4. In case the deceased was self-employed (or) on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the*



*age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.*

*59.5. For determination of the multiplicand, the deduction for personal and living expenses, the tribunals and the courts shall be guided by paras 30 to 32 of Sarla Verma which we have reproduced hereinbefore.*

*59.6. The selection of multiplier shall be as indicated in the Table in Sarla Verma<sup>1</sup> read with para 42 of that judgment.*

*59.7. The age of the deceased should be the basis for applying the multiplier.*

*59.8. Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs 15,000, Rs 40,000 and Rs 15,000 respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years.”*

23. Hon’ble Supreme Court in the case of **Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram & Others [2018(18) SCC 130]** after considering **Sarla Verma (supra)** and **Pranay Sethi (Supra)** has settled the law regarding consortium. Relevant paras of the same are reproduced as under:-

*“21. A Constitution Bench of this Court in Pranay Sethi<sup>2</sup> dealt with the various heads under which compensation is to be awarded in a death case. One of these heads is loss of*



*consortium. In legal parlance, "consortium" is a compendious term which encompasses "spousal consortium", "parental consortium", and "filial consortium". The right to consortium would include the company, care, help, comfort, guidance, solace and affection of the deceased, which is a loss to his family. With respect to a spouse, it would include sexual relations with the deceased spouse.*

*21.1. **Spousal consortium** is generally defined as rights pertaining to the relationship of a husband-wife which allows compensation to the surviving spouse for loss of "company, society, cooperation, affection, and aid of the other in every conjugal relation".*

*21.2. **Parental consortium** is granted to the child upon the premature death of a parent, for loss of "parental aid, protection, affection, society, discipline, guidance and training".*

*21.3. **Filial consortium** is the right of the parents to compensation in the case of an accidental death of a child. An accident leading to the death of a child causes great shock and agony to the parents and family of the deceased. The greatest agony for a parent is to lose their child during their lifetime. Children are valued for their love, affection, companionship and their role in the family unit.*



*22. Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. Modern jurisdictions world-over have recognised that the value of a child's consortium far exceeds the economic value of the compensation awarded in the case of the death of a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child.*

*23. The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims or their families, in cases of genuine claims. In case where a parent has lost their minor child, or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the head of filial consortium. Parental consortium is awarded to children who lose their parents in motor vehicle accidents under the Act. A few High Courts have awarded compensation on this count. However, there was no clarity with respect to the principles on which compensation could be awarded on loss of filial consortium.*

*24. The amount of compensation to be awarded as consortium will be governed by the principles of awarding compensation under "loss of consortium" as laid down in Pranay Sethi<sup>2</sup>. In the*



*present case, we deem it appropriate to award the father and the sister of the deceased, an amount of Rs 40,000 each for loss of filial consortium.*

**CONCLUSION**

24. In view of the law laid down by the Hon’ble Supreme Court in the above referred to judgments, the present appeal is allowed. The award dated 04.01.2007 is set aside. The appellants-claimants are entitled to compensation as per the calculations made here-under:-

| Sr. No. | Heads                                                                     | Compensation Awarded      |
|---------|---------------------------------------------------------------------------|---------------------------|
| 1       | Monthly Income                                                            | Rs.10,739/-               |
| 2       | Future prospects @30%                                                     | Rs.3,221/- (40% of 10,)   |
| 2       | Deduction towards personal expenditure (1/4 <sup>rd</sup> )               | Rs.3,470/- [1/4 of 13960] |
| 3       | Total Income                                                              | Rs.10,470/-               |
| 4       | Multiplier                                                                | 13                        |
| 5       | Annual Dependency                                                         | Rs.16,33,320/-            |
| 6       | Loss of Estate                                                            | Rs.18,000/-               |
| 7       | Funeral Expenses                                                          | Rs.18,000/-               |
| 8       | Pain and Suffering                                                        | Rs.50,000/-               |
| 9       | Loss of Consortium<br>Parental : Rs.48,000/- x 2<br>Spousal : Rs.48,000/- | Rs.2,40,000/-             |
|         | <b>Total Compensation</b>                                                 | <b>Rs.19,59,320/-</b>     |

25. So far as the interest part is concerned, as held by Hon’ble Supreme Court in **Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma** 2019 ACJ 3176



FAO-2822-2007 (O&amp;M)

-21-

and *R.Valli and Others VS. Tamil Nadu State Transport Corporation* (2022) 5 Supreme Court Cases 107, the appellants-claimants are granted the interest @ 9% per annum on the enhanced amount from the date of filing of claim petition till the date of its realization.

26. In view of the above, Insurance Company is directed to deposit the amount of compensation with the Tribunal within a period of two months from the date of receipt of copy of this judgment. The Tribunal is further directed to disburse the amount of compensation along with interest in the account of claimants/appellants in equal share. The claimants/appellants are directed to furnish their bank account details to the Tribunal.

27. In view of the order passed in FAO No.1682 of 2007 dated 18.07.2024, the insurance company is hereby directed to disburse the current scheduled fees to Mr. Ashwani Talwar, Advocate within a period of twenty days from the date of receipt of copy of this judgment.

28. Disposed of accordingly.

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

November 21, 2024  
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(SUDEEPTI SHARMA)  
JUDGE

Whether speaking/non-speaking : Speaking  
Whether reportable : Yes/No