

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

**222**

FAO-1454-1993

Date of decision: 15.12.2023

Krishna Devi @ Krishan Devi and others

.....Claimant-Appellants

Versus

Subhash and others

..... Respondents

**CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY**

Present: Mr. Amit Jain, Senior Advocate with  
Mr. Anupam Mathur, Advocate  
for the appellants.

Mr. Ravi Kamal Gupta, Advocate for  
Mr. B.R. Gupta, Advocate  
for respondent Nos.1 to 6.

Mr. Vinod Chaudhri, Advocate for respondent No.7

**AMAN CHAUDHARY, J.**

1. The present appeal has been filed by the claimant-appellants for enhancement of the compensation amount awarded by the learned Motor Accident Claims Tribunal, Hisar (for short 'the Tribunal') vide award dated 07.06.1993, on account of death of Sultan in a motor vehicular accident.

2. This is a reconstructed case, as the original file was burnt in the fire that broke out in the concerned branch in the year 2011. Since the case is pending for more than 30 years, the counsel for the parties have no objection, if the same is decided on the basis of the available record.

3. Learned Senior counsel for the appellants would contend that the deceased-Sultan was 45 years old. He was earning Rs.3000/- per month by cultivating the land and also doing the business of milk dairy but the Tribunal erred in assessing his income as Rs.1650/- per month. The multiplier of 14 should have been applied. He left behind a wife and three minor children. Nothing has been awarded towards future prospects of

increase in income, loss of love & affection and loss of consortium.

4. On the other hand, learned counsel for the respondents submits that the Tribunal has rightly awarded the compensation to the claimant-appellants, thus, they pray for the dismissal of the present appeal.

5. Heard learned counsel on either side.

6. There is no dispute with regard to the death of the deceased-Sultan, which occurred in a roadside accident caused by respondent No.1-driver of the offending vehicle. In so far as the fact of accident and manner of its taking place, as well as liability fastened upon respondent No.7-Insurance Company, it is pertinent to notice that no challenge to the Award has been made and thus, this issue does not warrant any further scrutiny.

7. Perusal of the award reveals that there being no evidence of income of the deceased, the Tribunal has rightly taken it to be Rs.1650/- per month. However, with regard to the enhancement of the compensation, this Court can make a profitable reference to the law laid down in **Sarla Verma and others vs. Delhi Transport Corporation and another**, 2009(3) RCR (Civil) 77, **National Insurance Company Limited vs. Pranay Sethi and others** 2017(4) RCR (Civil) 1009 and **Janabai vs. ICICI Lambord Insurance Co. Ltd.**, (2022) 10 SCC 512 and accordingly the appellants are held entitled to grant of future prospects to the extent of 25%, he being self employed as also under the conventional heads i.e. Rs.18,000/- for funeral expenses, loss of estate i.e.18,000/-, Rs.1,44,000/- (48,000 x3) for loss of love and affection to the children, Rs.48,000/- for loss of consortium to the wife. The deceased being 45 years, the multiplier of 14 should be applied. Further, there were four dependents at that time, the deduction of 1/4th ought to be made.

8. Consequently, the total compensation comes to Rs.4,87,875/- (1650 (monthly income) x 25% (towards future prospects) - 1/4th (deduction towards personal expenses)x 12 x 14 (multiplier) +Rs.2,28,000/- (conventional head). Thus, the enhanced compensation of Rs.2,87,875/-, over and above the amount of Rs.2,00,000/- already awarded by the Tribunal, alongwith interest at the rate of 7.5% per annum from the date of filing of the present appeal, till its realization, shall be paid to the claimant-appellants by the respondents, as ordered by the Tribunal, within a period of 2 months from the date of receipt of a certified copy of this judgment. Failing which, the amount shall accrue an interest as awarded by the Tribunal.
9. Modifying the award to the aforesaid extent, the present appeal is disposed of.

15.12.2023  
Hemant

(AMAN CHAUDHARY)  
JUDGE

|                           |   |          |
|---------------------------|---|----------|
| Whether speaking/reasoned | : | Yes / No |
| Whether reportable        | : | Yes / No |