

**5IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH**

224

FAO-687-1991 (O&M)  
Date of decision : 23.11.2023

Kailasho Devi and others

.....Claimant-Appellants

Versus

Mahender Singh and others

..... Respondents

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

Present: None for the appellants.

Mr. Arjun Kundra, Advocate, for respondent No.3.

Mr. R.K. Bashamboo, Advocate,  
for respondent No.4-Insurance Company.

**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, Bhiwani (for short 'the Tribunal') vide award dated 26.02.1991, on account of death of Radhey Shyam 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 the last more than 32 years, the counsel for the respondents have no objection, in case the same is decided on basis of the available record.
3. It has been stated in the grounds of appeal that the deceased, 36 years old at the time of the accident, was earning Rs.30,000/- annually which was assessed by the Tribunal to be only Rs.12,000/- per annum. The compensation was assessed to be on the lower side, as the multiplier of 25 should have been applied. He left behind a wife, two minor sons, two minor daughters and mother. Nothing has been awarded towards future prospects

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

4. On the other hand, learned counsel for the respondents submit that the Tribunal has assessed the compensation in light of the evidence led by the claimant-appellants, thus, they pray for the dismissal of the present appeal.

5. Heard and perused.

6. It is not disputed that the death of the deceased-Radhey Shyam, had occurred in a motor vehicular accident. So far as the fact of accident and manner of its taking place, as well as liability fastened to be joint and several are concerned, it is pertinent to mention that no challenge to the same has been made and thus, this issue does not warrant any further scrutiny.

7. Perusal of the award reveals that the Tribunal has rightly assessed the annual dependency to the tune of Rs.12,000/-. However, with regard to the enhancement of the compensation, reliance can be placed on 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 40%, he being self-employed and also for the compensation under the conventional heads i.e. Rs.15,000/- for funeral expenses; Rs.2,00,000/- (40,000 x5) for loss of love and affection to 4 minor children and mother and Rs.40,000/- loss of consortium to wife. The deceased being 36 years, the multiplier of 15 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.4,44,000/- (12,000 + 40% (towards future prospectus) - 1/4th (deduction towards personal expenses) x 15 (multiplier) +Rs.2,55,000/- (conventional head). Thus, the enhanced compensation of Rs.2,44,000/-, 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 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.

10. Registry is directed to send a copy of the order to the concerned Tribunal for execution of the same. After the needful is done, a compliance report be submitted.

23.11.2023  
gsv/ankur

(AMAN CHAUDHARY)  
JUDGE

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