223-1 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2879-2002 (O&M)
Date of decision: 28.10.2025

Reshma Gupta and another

..Appellants

Versus

Balwinder Singh and others ..Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr.Rishav Jain, Advocate and
Mr. Shivaly Singla, Advocate for the appellants

Mr. Supreet Singh, Advocate for
Mr. P.S.Dhaliwal, Advocate for respondent no.1

Mr. Davinder Bir Singh, Advocate
for respondent No.2

Mr. Tejinder Singh, Advocate for
respondent No.3- Insurance Company

MANDEEP PANNU, J.

1. This is claimants' appeal against the award dated 02.03.2002 passed by the Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'Tribunal') with a prayer to modify the amount of compensation. The Tribunal has awarded compensation of ₹8,94,200/- on account of death of Smt. Raksha Gupta in a vehicular accident, which took place on 09.10.2000. The claim petition has been filed on behalf of her two children. There is no dispute with regard to the correctness of the findings recorded by the Tribunal regarding death of the deceased in the aforesaid vehicular accident as well as the fact that the deceased died due to rash and negligent driving by Driver

of the Matador bearing registration plate no. DL-4CD-3350. Hence, the only issue is with regard to quantum of compensation.

2. Since the factum of the accident is not in dispute, therefore, for the sake of brevity, the facts, as recorded by the Tribunal, in the impugned award, are not being reproduced herein.

3. The compensation awarded by the Tribunal is tabulated as under:-

Sr. No.	Heads	Compensation awarded
1.	Monthly Income	8500/-
2.	Deduction for personal & living expenses I.e 1/3rd I.e 8500/3 = 2833.33 = 2833	5700 [8500-2833 = 5667, which is rounded off to 5700]
3.	Annual income 5700x12 = 68400	68,400/-
4.	Multiplier 13 68400x13 = 8,89,200/-	8,89,200/-
5.	Funeral expenses	5,000/-
	Total	**₹ 8,94,200/-**

4. Learned counsel for the claimants-appellants submits that the Tribunal has erred in assessing income of the deceased and applying appropriate multiplier. Furthermore, it has also failed to grant future prospects and any amount under Heads ‘loss of consortium’ and ‘loss of estate’. He also submits that even the amount awarded under Head ‘funeral expenses’ is highly inadequate. He places reliance upon law laid down by the Hon’ble Supreme Court in **National Insurance Company Ltd. vs. Pranay Sethi & Ors [(2017) 16 SCC 680], Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors [(2018) 18 SCC 130] and**

Sarla Verma and others vs. Delhi Transport Corporation and another (2009) 6 SCC 121.

5. Per contra, learned counsel for respondent No.3-Insurance Company has vehemently argued that sufficient amount towards compensation has already been awarded by the Tribunal and there is no scope for enhancement.

6. This Court has considered the submissions made by the learned counsel for the parties.

7. Now let us assess the income of the deceased. The Tribunal has assessed monthly income of the deceased as ₹8500/- after deducting some amount on account of income tax and other statutory deductions. As per Ex.P1, salary of the deceased, who was a Government employee was ₹10,665/-. Hon'ble Supreme Court in **Shyamwati Sharma and others vs. Karam Singh and others 2010(12) SCC 378** has held that salary of a Govt. employee has to be assessed after deducting income tax only and any deductions shown in the salary slip towards GPF, life insurance premium, repayment of loans etc. should not be excluded from the income. By applying the ratio of this judgment, this Court assesses the monthly income of the deceased as ₹9500/-by only deducting amount towards income tax from the salary and also considering the tax slab prevailing at the relevant time.

8. While relying upon observations of Hon'ble Supreme Court in **Pranay Sethi's case (supra)**, the claimants are held entitled to future prospects at the rate of 30% considering the fact that

deceased was 42 years old at the time of accident. They are also held entitled to ₹18,000/- each towards loss of estate and funeral expenses as well as ₹48,000/- each towards loss of consortium.

9. In view of observations of Hon'ble Supreme Court in **Sarla Verma's case (supra)** deceased being 42 years old, appropriate multiplier is assessed as 14 instead of 13 as applied by the Tribunal. However, deduction towards personal expenses at the rate of 1/3rd applied by the Tribunal is correct and the same is maintained.

10. Accordingly, the compensation is re-assessed as under :

Sr.No	Heads	Compensation awarded
1.	Monthly Income	9500/-
2.	Future prospects @ 30% 9500x 30% = 2850	9500+2850 = 12,350/-
3	Deduction on account of personal expenses i.e 1/3rd i.e 12350/3 = 4116.6 rounded off to 4117	8233/- [12350-4117 = 8233]
4.	Annual income 12x8233 = 98,796/-	98,796/-
6.	Multiplier @ 14 14x 98796 = 13,83,144/-	13,83,144/-
7.	Loss of estate	18,000/-
8.	Funeral expenses	18,000/-
9.	Loss of consortium @ ₹48,000/- each 48000x2 =96,000/-	96,000/-
	Total Compensation	**₹ 15,15,144/-**

11. The claimants-appellants shall be entitled to difference in amount of compensation alongwith interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realization. Rest of the award needs no modification.

12. Accordingly, the appeal stands partly allowed.

13. All the pending miscellaneous applications, if any, are also disposed of.

(MANDEEP PANNU)
JUDGE

28.10.2025
rekha

Whether speaking/reasoned Yes/No
Whether reportable Yes/No