



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

FAO-4294 of 2003 (O&M)

Date of decision: 09.12.2025

Usha Rani and others

..Appellants

Versus

Raj Kumar and others

..Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr.Neeraj Khanna, Advocate for the appellants

Mr. R.N.Singal, Advocate for respondent No.3-Insurance
Company

MANDEEP PANNU, J.

1. This is claimants' appeal against the award dated 16.04.2003 passed by the Motor Accident Claims Tribunal, Panchkula (hereinafter referred to as 'Tribunal') with a prayer to modify the amount of compensation, which was awarded on account of death of Rajesh Kumar in a vehicular accident which took place on 22.01.2000. The Tribunal recorded a finding that accident was caused due to negligence of both deceased as well as Driver of the offending vehicle. Hence, it was held to be a case of contributory negligence and accordingly, awarded a compensation of Rs.1,22,000/- to the claimants.

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



Sr. No.	Heads	Compensation awarded
1.	Monthly Income	2500/-
2.	Annual loss of dependency	12000/-
3.	Multiplier @ 17 17x 12000=2,04,000/-	2,04,000/-
4.	Medical expenses, transportation, funeral expenses etc.	40,000/-
	Total	Rs. 2,44,000/-
	Actual compensation awarded to claimants after deduction of 50% on account of contributory negligence	Rs.1,22,000/-

3. Learned counsel for the appellants submits that Tribunal has erred in recording finding of contributory negligence as accident was solely caused due to rash and negligent driving by driver (respondent no.1 herein) of the offending vehicle. He further submits that amount of compensation awarded by the Tribunal is highly inadequate as it has failed to grant escalation in income of deceased on account of ‘Future Prospects’, grant any amount under Heads ‘Loss of Consortium’, ‘Loss of Estate’ and also failed to apply appropriate multiplier and make appropriate deduction on account of personal expenses. He places reliance upon decisions of the Hon’ble Supreme Court rendered in 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.**



4. Per contra, learned counsel for respondent No.3- Insurance Company has vehemently argued that the deceased himself was negligent enough as he was travelling in a jeep while standing on the foot rest of the vehicle, thereby exposing to the danger of being injured by travelling in such a reckless manner. He further submits that sufficient amount towards compensation has already been awarded by the Tribunal and there is no scope for enhancement.

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

6. First of all, let us examine issue of contributory negligence. As per FIR, deceased was working as Conductor on the offending vehicle i.e Jeep and on the date of accident, while travelling, deceased was standing on the foot rest of the vehicle/jeep since 8-9 passengers were sitting in the jeep and no space was left for him. It was also asserted that accident took place due to bursting of tyre as a result of which Rajesh Kumar lost his grip and had fallen on the road. Therefore, the Tribunal has rightly held that it was a case of contributory negligence since driver was negligent in not periodically examining the condition of tyres of his vehicle and at the same time, deceased was also careless enough by travelling in a jeep while standing on the foot rest of the vehicle. Hence, finding of the Tribunal with regard to contributory negligence of both deceased and driver of the offending vehicle is upheld.

7. Now, this Court proceeds to assess the amount of compensation. Since no challenge has been laid down by the learned



counsel for the appellants to income assessed by the Tribunal, the same is accordingly maintained.

8. However, learned counsel for the appellants/claimants has rightly relied upon the law laid down by the Hon’ble Supreme Court in **Pranay Sethi’s case and Sarla Verma’s case (supra)**, thereby entitling the claimants-appellants to future prospects at the rate of 40% and multiplier of 18 (instead of 17 as applied by Tribunal) considering the age of deceased being 23 years. This Court further finds that deduction on account of personal expenses needs to be 1/4th taking into account of number of family members in family of the deceased. Ordered accordingly. The claimants are further held entitled to Rs.18,000/- each towards loss of estate and funeral expenses as well as Rs.48,000/- each towards loss of consortium. The Tribunal has awarded an amount of Rs.40,000/- towards medical expenses, transportation, funeral expenses etc. Since this Court has awarded a sum of Rs.18,000/- towards funeral expenses, therefore, an amount of Rs.22,000/- is awarded under Head Medical expenses and transportation.

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

Sr.No.	Heads	Compensation awarded
1.	Monthly Income	2500/-
2.	Future prospects @ 40% 2500x40% =1000/-	3500/- [2500+1000]
3.	Annual income 3500x12 = 42,000/-	42,000/-
4.	Annual loss of dependency on account of deduction for personal & Living expenses	31,500/- [42000-10500=31,500]



	i.e 1/4th 42,000/4 = 10,500/-	
5.	Multiplier @ 18 18x31500 = 5,67,000/-	5,67,000/-
6.	Medical expenses and transportation	22,000/-
7.	Loss of estate	18,000/-
8.	Funeral expenses	18,000/-
9.	Loss of consortium @ Rs.48,000/- each 48000x6=2,88,000/-	2,88,000/-
	Total Compensation	Rs.9,13,000/-

10. The total compensation assessed by this Court comes to Rs.9,13,000/-. However, finding of the Tribunal with regard to contributory negligence of deceased has been upheld by this Court, therefore, actual compensation awarded by this Court will be 50% of Rs.9,13,000/-, which comes to Rs.4,56,500/-. 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.

11. Accordingly, the appeal stands partly allowed.

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

(MANDEEP PANNU)
JUDGE

09.12.2025

rekha

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