



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

**FAO-311-1993(O&M)
Reserved on: 18.08.2025
Date of decision: 21.08.2025**

Nasib Singh and others

..Appellants

Versus

Ram Dev Puri and others

..Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Vinay Puri, Advocate for the appellants
Mr. R.C.Gupta, Advocate
for respondent no.3- Insurance Company

MANDEEP PANNU, J.

1. This is the claimants' appeal against the award dated 02.11.1992 passed by the Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as 'the Tribunal') with a prayer to modify the amount of compensation. The Tribunal has awarded the compensation of Rs.2,19,000/- on account of death of Shamsher Singh alias Sher Singh alias Shera, in a vehicular accident, which took place on 08.06.1989. The claim petition has been filed on behalf of father, widow and three minor children of the deceased. There is no dispute with regard to the correctness of the findings recorded by the Tribunal



regarding death of Shamsher Singh alias Sher Singh alias Shera in a vehicular accident as well as the fact the deceased died due to rash and negligent driving by Gurmail Singh, Driver of the truck, bearing registration plate no. HPS-4471. 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.	Loss of annual dependency	1000x12= 12000/-
2.	Multiplier	18 12000x18=2,16,000/-
3.	Funeral expenses	3000/-
	Total	Rs.2,19,000/-

4. Learned counsel representing the appellants does not dispute the correctness of the assessed income or the dependency, however, he submits that the Tribunal has failed to grant escalation in the income of the deceased on account of future prospects. He further submits that no amount towards loss of estate and consortium was granted by the Tribunal and the amount awarded towards funeral expenses was also inadequate.

5. Per contra, learned counsel representing the Insurance Company submits that adequate compensation has already been awarded by the Tribunal and no interference is warranted.



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

7. In '*National Insurance Company Ltd. vs. Pranay Sethi and other*' 2017 (16) SCC 680, the Supreme Court has held that the income of the deceased should be increased by 40% in case the deceased is below 40 years of age at the time of accident. In this case, the deceased was 30 years old, when he lost his precious life in a vehicular accident. Accordingly, escalation in the income of the deceased towards future prospects is assessed at 40%. However, the Tribunal has erred in applying multiplier of 18 instead of 17 in view of decision rendered by the Supreme Court rendered in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another** 2009(3) RCR (Civil) 77. This fact is not disputed by the learned counsel for the appellants/claimants. Furthermore, as per law laid down by the Supreme Court in **Pranay Sethi's case (supra)**, **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors** (2018) 18 SCC 130, **Smt. Sarla Verma's case (supra)**, claimants would be entitled to an amount of Rs.18,000/- each towards loss of estate and towards funeral expenses. They shall also be entitled to an amount of Rs.48,000/- each towards loss of consortium.

8. Accordingly, the amount of compensation is revised as under:-

Sr.No.	Heads	Compensation awarded
1.	Monthly income	Rs.1000/-
2.	Annual income	12000/-



3.	Deduction i.e 1/4th	12000/4 = 3000/- [12000-3000= 9000]
4.	Future prospects i.e 40%	3600/- [9000+3600= 12,600]
5.	Multiplier	17 [12600x17=2,14,200/-]
6.	Loss estate	18,000/-
7.	Funeral expenses	18,000/-
8.	Loss of consortium (i) Parental (ii) Spousal's (iii) Three children's [48,000 x 3]	48,000/- 48,000/- 1,44,000/- [Total Rs.2,40,000/-]
	Total Compensation	Rs.4,90,200/-

9. The claimants 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.
10. Accordingly, the appeal stands disposed of.
11. All the pending miscellaneous applications, if any, are also disposed of.

21.08.2025

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(MANDEEP PANNU)
JUDGE