



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

106

FAO-755-1995**Date of decision : 02.07.2025****Sibo Devi and others****..... Appellants****versus****Satpal and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Ms. Shikha Yadav, Advocate for
Mr. Rahul Deswal, Advocate
for the appellants.

Mr. Rahul Pathania, Advocate
for respondent No.3-Insurance Co.

PANKAJ JAIN, J. (Oral)

1. Claimants are in appeal.
2. Primary grievance is against the compensation as assessed by the Tribunal. Claimants by way of present appeal have called upon to re-assess the amount of compensation payable to the appellants-claimants on account of death of Gulab Singh aged 45 years in a motor vehicular accident dated 17.06.1993. The Tribunal assessed the compensation under issue No.2 as under:-

14. Gulab Singh was 45 year old at the time of his death, as has been stated by his widow Lilawati (PW.2) and also written in the post mortem report. Exhibit P6. He has left behind her five children and old mother and a wife. He was an agriculturist as can be proved from the copy of mutation Exhibit P7. He was having 13 Kanals 8 Marlas of land in his name. Lila Wati (PW.2) has also stated that he was having 2½ Aare of land. According to Lila Wati, her husband Gulab Singh was cultivating 8 Acres of land which he had taken on lease from one Sadhu Ram. His income has been stated to be



between Rs. 2,000/- to 3,000/- per month. Sadhu Ram, whose land Gulab Singh was cultivating, as has been stated by Lila wati, has not been produced. No revenue record has been produced in support of the contention that he was cultivating 8 acres of land of Sadhu Ram. This being so, it can only be said that Gulab Singh was cultivating his own land measuring 13 Kanals 8 Marlas. The income has been stated to be very much on higher side keeping in view the holding of Gulab Singh. A guess work has to be resorted to in calculating the income of the deceased which is inherent in Motor Accidents Cases. Keeping in view the holding of the deceased, this Tribunal assess the income of the deceased at the rate of Rs.1800/- per month. The yard stick applied by this Tribunal is that an able bodied person can easily earn 1200/- per month by doing labour work which Gulab Singh could earn and another Rs. 600/- he must be earning from his agricultural land. So, in this way, the total income has been assessed to the tune of Rs.1800/- per month. Leaving 1/3rd for his own expenses, the dependency of the applicants would be at Rs.1200/- per month.

15. The next question for consideration is what should be the multiplier. A multiplier of 16 can easily be applied in the instant case keeping in view the age of the deceased (45 years). Thus the total amount of compensation which the applicants are entitled to comes to Rs.1200x12x16=230400/-. It is ordered accordingly. This issue is decided in favour of the applicants.”

3. In view of the ratio of law laid down by Supreme Court in case of '*National Insurance Company Limited vs. Pranay Sethi and others*', (2017) 16 SCC 68, the compensation is being re-assessed as under:-

The income of Rs.1800/- per month is maintained as assessed by the Tribunal. Nothing has been awarded on account of future prospects. Keeping in view the age of the deceased, 25% needs to be added qua future prospects. Deduction of 1/3 has been wrongly applied. Keeping in view the number of claimants,



deduction would be 1/5. Multiplier of 14 will be applicable in view of ratio of law laid down in the case of *‘Smt. Sarla Verma & others vs. Delhi Transport Corporation & another’ (2009) 6 SCC 121*. Funeral expenses of Rs.15,000/- and loss of estate of Rs.15,000/- need to be awarded under conventional heads. Each of the claimants shall also be entitled qua amount of consortium of Rs.40,000/-. Interest as awarded by the Tribunal is maintained.

4. In view of above modification in the impugned order, the present appeal is disposed off.

(PANKAJ JAIN)
JUDGE

02.07.2025

Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No