



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

FAO-1394-2001 (O&M)

Date of decision:10.11.2025

Mrs. Deepu and others

..Appellants

Versus

Phul Kumar and others

..Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Ms. Ekta Thakur, Advocate and
Ms. Shikha, Advocate for the appellants

Ms. Sanchi Bindra, Advocate for
Mr. Amar Vivek, Advocate for respondent no.1 and 2

Mr. Vinod Chaudhri, Advocate for
respondent no.3-Insurance Company

MANDEEP PANNU, J.

1. This is claimants' appeal against the award dated 10.08.2000 passed by the Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as 'Tribunal') with a prayer to modify the amount of compensation. The Tribunal has awarded compensation of Rs.2,01,600/- on account of death of Baggoo in a vehicular accident, which took place on 20.12.1998. There is no dispute with regard to the correctness of the findings recorded by the Tribunal regarding death in the aforesaid vehicular accident as well as the fact that he died due to rash and negligent driving by Driver of the Truck bearing registration plate no. CH-01-L-9286. 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	2000/-
2.	Deduction for personal & Living expenses Rs.600/- 2000-600 = 1400	1400/-
3.	Annual loss of dependency 1400x12 = 16,800/-	16,800/-
4.	Multiplier @ 12 16800x12 = 2,01,600/-	2,01,600/-
	Total	Rs. 2,01,600/-

4. Learned counsel for the claimants-appellants submits that income assessed by the Tribunal is on lower side. Moreover, it has failed to grant future prospects, amount under Heads ‘loss of Consortium’ ‘funeral expenses’ and ‘loss of estate’. He relies upon the judgments of 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. First of all, this Court proceeds to assess income of the deceased, who was aged 45 years and was working as Rag/paper picker. The Tribunal has assessed his income as Rs.2000/- per month. It has been observed by the Tribunal that at the relevant time, even a labourer was getting Rs.70/- per day and deceased was working as Rag/paper picker. Therefore, by applying some guess work, this Court assesses income of the deceased as Rs.2500/- per month.

8. Furthermore, in view of **Pranay Sethi’s case (supra)** and **Sarla Verma’s case (supra)**, the claimants-appellants will be entitled to future prospects @ 25% considering the age of deceased as 45 years. They will also be entitled to Rs.18,000/- each towards loss of estate and funeral expenses as well as Rs.48,000/- each towards loss of consortium. However, deduction on account of personal expenses at rate of 1/3rd as applied by the Tribunal is maintained.

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

Sr. No.	Heads	Compensation awarded
1.	Monthly Income	2500/-
2.	Future prospects @ 25% 2500x 25% = 600	3100/- [2500+600]
3.	Monthly loss of dependency after deducting personal & Living expenses i.e 1/3rd 3100/3 = 1033.33 rounded off to 1030/-	2070/- [3100-1030]



4.	Annual loss of dependency 2070x12 = 24,840/-	24,840/-
5.	Multiplier @ 14 14 x 24840 = 3,47,760	3,47,760/-
6.	Loss of estate	18,000/-
7.	Funeral expenses	18,000/-
8.	Loss of consortium @ Rs.48,000/- each 48000x3 =1,44,000/-	1,44,000/-
	Total Compensation	Rs.5,27,760/-

10. 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

10.11.2025
rekha

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