



233 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-2572-2001

Date of decision : 08.08.2025

PAL KAUR AND OTHERS

....Petitioners

Versus

NARESH KUMAR GOEL AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Paramveer Singh, Advocate
for the appellants.

Mr. Abhimanyu Kalsy, Advocate and
Mr. Amrik Singh Kang, Advocate
for respondent No.3.

PANKAJ JAIN, J. (ORAL)

Claimants are in appeal seeking enhancement of compensation on account of death of Sukhdev Singh @ Sukhi Ram who died at the age of 45 years in a motor-vehicular accident, dated 10.10.1996.

2. The Tribunal while assessing the compensation payable to the claimants, observed as under:

“20. So far as the income of Sukhdev Singh deceased is concerned, no written record has been produced about his income. Therefore, the income of the deceased stated by Pal Kaur AW1 and Bhagwan Singh SW2 appears to be highly exaggerated made only to get enhanced compensation. He also used to pay the rent of the shop and the income used to vary from day to day. The average income of Sukhdev Singh could not be more than Rs.1500/- per month. Sukhdev Singh deceased used to spend something on



himself also and therefore, the amount of dependency comes to Rs.1200/- per moth.

21. The amount of compensation therefore, comes to Rs.1200 X 12 X 10 – (sic). Rs. 6000/- is also awarded for performance of last rites etc.

22. The respondent No.3 has not led any evidence to prove if Naresh Kumar was not holding a valid driving licence at the time of the accident. This issue is decided against the respondent
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23. In view of my findings on the above issues, the claim application is accepted and the claimants are held entitled to the compensation amount of Rs.1.50 lacs with interest at the rate of 9% per annum from the date of the filing of the claim application till the date of payment. Respondent No.1 being driver, respondent No.2 being the owner and respondent No.3 being the insurer shall be liable to pay the awarded amount of compensation to the claimants jointly and severally.

24. Jagtar Singh claimant No. 2 being adult, is not entitled to any amount of compensation while jeewan Kumar claimant No.3, Manisha Rani claimant No.4 and Randeep Kumar claimant No.5 minor children of Sukhdev Singh deceased are entitled the amount of Rs.30,000/- each. This amount shall be deposited in a nationalized bank in the names of these minors in their fixed deposit receipts which these claimants will be entitled to draw on attaining the age of majority.

25. Bhagwanti claimant No.6 being the mother of Sukhdev Singh deceased is held entitled to the amount of Rs.10,000/- because she has other sons also who could look after her.

26. Pal Kaur claimant No. 1 (widow of Sukhdev Singh deceased) is entitled to the remaining amount of Rs.50,000/- along with the amount of interest. She will be entitled to the cash amount of Rs.50,000/- and the remaining amount shall be deposited in the fixed deposit receipt in a nationalized bank, which she will be entitled to withdraw after proving the necessities of life.”



3. Keeping in view the ratio of law laid down by Supreme Court in the case of **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, (2009) 6 SCC 121, National Insurance Company Limited vs. Pranay Sethi and others, (2017) 16 SCC 680 and Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram and others – Civil Appeal No.9581 of 2018, decided on 18.09.2018**, the compensation awarded by the Tribunal needs to be reworked and reassessed. The claimants are held entitled for compensation as tabulated here under:

Heads	Compensation
Income	Monthly : Rs. 1,500/- Annual : Rs. 18,000/-
Deduction	1/4
Future Prospects	25%
Multiplier	14
Multiplicand	Rs.2,36,250/-
Loss of Estate	Rs.18,000/-
Funeral Expenses	Rs.18,000/-
Loss of Consortium	Rs.48,400/- X 6 = 2,90,400/-
Total Compensation	Rs.5,62,650/-
Interest	7.5% per annum

4. With the aforesaid modification in the impugned award, the instant appeal is disposed off.

August 08, 2025

Dpr

(Pankaj Jain)
Judge

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