



FAO- 3733-2002(O&M) 1

**214-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

**FAO- 3733-2002(O&M)
Date of decision: 23.09.2025**

Kamlesh Kaur and others

..Appellants

Versus

Amarjeet Singh and others

..Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Ms. Parul Saini, Advocate for
Mr. Pritam Singh Saini, Advocate for the appellants

Mr. Vinod Chaudhri, Advocate
for respondent no.5-Insurance Company

MANDEEP PANNU, J.

1. This is claimants' appeal against the award dated 04.04.2002 passed by the Motor Accident Claims Tribunal, Panipat (hereinafter referred to as 'Tribunal') with a prayer to modify the amount of compensation. The Tribunal has awarded compensation of Rs.4,32,000/- on account of death of Jaspal Singh in a vehicular accident, which took place on 15.02.1999. The claim petition has been filed on behalf of his widow, two minor children and mother. There is no dispute with regard to the correctness of the findings recorded by the Tribunal regarding death of deceased in the aforesaid vehicular accident due to rash and negligent driving by Driver of the offending Tanker. 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	3000/-
2.	Deduction for personal & Living expenses 1/3rd i.e 1000	1000/-
3.	Monthly Loss of dependency 3000-1000 = 2000	2000/-
4.	Annual income 2000x12 = 24000	24,000/-
5.	Multiplier 18 18 x 24000 = 4,32,000/-	4,32,000/-
	Total	Rs. 4,32,000/-

4. Learned counsel for the claimants-appellants submits that the compensation awarded by the Tribunal is highly inadequate. The Tribunal has correctly assessed the income of the deceased, however, failed to award future prospects on account of escalation of income. Moreover, Tribunal has failed to award any amount under Heads ‘funeral expenses’ ‘Loss of estate’ and ‘Loss of Consortium’. He places reliance upon law laid down by the Hon’ble Supreme Court in **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]** and **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]**.



5. Per contra, learned counsel for respondent No. 5 - 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. Since there is no dispute with regard to income assessed as well as deduction on account of personal expenses i.e 1/3rd, by the Tribunal, the same are maintained. However, in view of observations of Supreme Court in **Pranay Sethi’s case (supra)**, future prospects are assessed as 40% and claimants-appellants are also 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. Considering the age of deceased as 28 years, multiplier will be 17 in view of **Sarla Verma vs. Delhi Transport Corporation and Another (2009) 6 SCC 121**.

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

Sr.No.	Heads	Compensation awarded
1.	Monthly Income	3000/-
2.	Deduction for personal & Living expenses 1/3rd i.e 1000	1000/-
3.	Monthly Loss of dependency 3000-1000 = 2000	2000/-
4.	Future prospects @ 40% 2000x40% = 800/-	2800/- [2000+800]
5.	Annual income 2800x12 = 33,600/-	33,600/-
6.	Multiplier 17 17 x 33,600 = 5,71,200	5,71,200/-



8.	Funeral expenses	18000/-
9.	Loss of estate	18,000/-
10.	Loss of consortium @ Rs.48,000/- each 48000x 4= 1,92,000/-	1,92,000/-
	Total Compensation	Rs.7,99,200/-

9. The claimants-appellants in the present case 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.
10. Accordingly, the appeal stands partly allowed.
11. All the pending miscellaneous applications, if any, are also disposed of.

23.09.2025

rekha

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

(MANDEEP PANNU)
JUDGE