102 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2216-2001 (O&M)
Date of decision: 07.11.2025

Nathu Ram and another

..Appellants

Versus

Puran Mal and others ..Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr.Parveen Moudgil, Advocate for the appellants

Mr. Vaibhav Sharma, AAG, Haryana
for respondent no.2 and 3

MANDEEP PANNU, J.

1. This is claimants' appeal against the award dated 07.02.2001 passed by the Motor Accident Claims Tribunal, Bhiwani (hereinafter referred to as 'Tribunal') with a prayer to modify the amount of compensation. The Tribunal has awarded compensation of Rs.1,47,000/- on account of death of Sanjay Kumar in a vehicular accident, which took place on 17.11.1998. The claim petition has been filed on behalf of his parents. There is no dispute with regard to the correctness of the findings recorded by the Tribunal regarding death of the deceased in the aforesaid vehicular accident as well as the fact that the deceased died due to rash and negligent driving by Driver of the bus bearing registration plate no. HNG-2229. 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.	Loss of monthly dependency after deducting personal & Living expenses	800/-
3.	Annual loss of dependency 12x800 = 9600	9600/-
4.	Multiplier @ 15 15x9600 = 1,44,000	1,44,000/-
5.	Funeral expenses	3000/-
	Total	**Rs. 1,47,000/-**

4. Learned counsel for the claimants-appellants submits that Tribunal has failed to correctly assess the income of the deceased as well as failed to grant escalation on account of future prospects, award amount under Heads ‘Loss of consortium’ and ‘loss of estate’. Furthermore, Tribunal has not made appropriate deduction on account of personal expenses as well as apply appropriate multiplier. He relies upon law laid down by 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.2 & 3 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 19 years, at the time of accident. He was working as Mechanic in shop namely Jangra Engineering and Electric Works, Charkhi Dadri, owned by PW3-Suraj Bhan. Claimants claim that he was earning Rs.5,000/- per month and he was matriculate and even possessed certificate of Lineman issued by Govt. Vocational Education Institute, Birhi Kanal (Ex.P-4). The Tribunal has assessed his monthly income as Rs.2000/- and after considering his marriageable age, assessed loss of monthly dependency as Rs.800/-. Even it has been noticed by the Tribunal that deceased has not passed diploma for lineman Ex.P-4 since he was to reappear in two papers. PW3-Suraj Bhan, owner of shop, where deceased was working as Mechanic has deposed in his statement that deceased was earning Rs.4500-5000/- per month, however, in his cross-examination, he has stated that he had not brought the record regarding mechanics working in his shop. Keeping in view the facts of case, this Court assesses monthly income of deceased, who was matriculate and also working as Mechanic in an Electrical shop as Rs.3000/- per month.

8. Furthermore, learned counsel for the appellants/claimants has rightly relied upon the law laid down by the Hon'ble Supreme Court in **Pranay Sethi's case (supra) and Sarla Verma's case (supra),** thereby entitling the claimants-appellants to future prospects @ 40% as well as Rs.18,000/- each towards loss of estate and funeral expenses and Rs.48,000/- each towards loss of consortium. So far as deduction towards personal expenses is concerned, since deceased was unmarried at the time of accident, therefore, as per settled law, deduction at rate of 50% is to be applied. Considering age of deceased as 19 years, multiplier of 18 needs to be applied instead of 15 as applied by the Tribunal.

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

Sr.No.	**Heads**	**Compensation awarded**
1.	Monthly Income	3000/-
2.	Future prospects @ 40% 3000x40% = 1200	4200/- [3000+1200]
3.	Monthly loss of dependency after deduction for personal & Living expenses i.e 50% 4200/2 = 2100	2100/-
4.	Annual loss of dependency 12x2100 =25,200/-	25,200/-
5.	Multiplier @ 18 25200x18 = 4,53,600/-	4,53,600/-
6.	Loss of estate	18,000/-
7.	Funeral expenses	18,000/-
8.	Loss of consortium @ Rs.48,000/- each 48000x2 = 96,000/-	96,000/-
	Total Compensation	**Rs.5,85,600/-**

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

07.11.2025
rekha

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