

FAO-3325-2023 (O&M)

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

JUDGE PUBLIC 172023



FAO-3325-2023 (O&M)

Reserved on: 01.12.2025

Pronounced on: 18.12.2025

Uploaded on: 22.12.2025

SONIA AND OTHERS

.....Appellants

Vs.

BALRAM AND OTHERS

...Respondents

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Lalit Kumar Narang, Advocate
for the appellants.

Ms. Veena Hooda, Advocate
for respondents No. 1 and 2.

Mr. Sandeep Suri, Advocate
for respondent No.3/Insurance Company.

HARKESH MANUJA, J.**CM No. 11247-CII of 2023**

Prayer in the present application moved on behalf of the applicants-appellants, is for condonation of delay of 57 days in filing the appeal.

Notice in the present application was issued on 24.09.2025.

Learned counsel appearing on behalf of respondents No. 1& 2 and respondent No.3/Insurance Company does not oppose to the prayer made in the application.

Upon hearing learned counsel for the parties and considering the averments made in the application, which is duly supported by an affidavit, the same is allowed. The delay of 57 days in filing the present appeal is condoned.

MAIN CASE

1. By way of present appeal, challenge has been laid to an award dated

07.12.2022 passed by the learned Motor Accident Claims Tribunal, Rohtak (for

brevity, “the Tribunal”), whereby an amount of Rs. 19,74,340/- was awarded as compensation to the appellants/claimants along with interest @ 6% per annum from the date of institution of the claim petition till its realization on account of death Manjeet in a motor vehicular accident, occurred on 14.05.2019.

2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed narration of the facts of the case is not reproduced and is skipped herein for the sake of brevity.

ARGUMENTS
ON BEHALF OF LEARNED COUNSEL FOR THE APPELLANTS

3. Learned counsel for the appellants/claimants assailed the award by submitting that the deceased was earning Rs. 15,400/- per month by working as a salesman in Bhardwaj Automobiles, Panipat. It was further contended that the said fact was conclusively established through the depositions of appellant/claimant No.1, examined as PW-6, and Sushil Kumar (PW-11), proprietor of Bhardwaj Automobiles. The said evidence remained wholly un rebutted, as the respondents failed to lead any evidence in contrary to that. Consequently, it was urged that the learned Tribunal committed a manifest error in assessing the monthly income at ₹10,000/-. He further argued that the application of multiplier of 17 was incorrect and the appropriate multiplier ought to have been 18 and even the deduction towards personal expenses was also on the higher side. Furthermore, it was submitted that the amount of compensation granted under conventional heads was not in consonance with the settled law, therefore, he prayed for enhancement of compensation as per latest decision on the subject.

ON BEHALF OF LEARNED COUNSEL FOR RESPONDENTS No. 1 & 2

4. On the other hand, learned counsel representing respondent No.1 & 2 neither refuted the factum of accident nor even the negligence of the offending vehicle, however submitted that in the facts of the present case, the compensation assessed by the learned Tribunal called for no interference.

ON BEHALF OF LEARNED COUNSEL FOR RESPONDENT No. 3/ INSURANCE COMPANY

5. Per contra, learned counsel representing respondent No. 3/Insurance Company neither refuted the factum of accident nor even the negligence of the offending vehicle, however submitted that in the facts of the present case, the compensation assessed by the learned Tribunal called for no interference.

DISCUSSION

6. I have heard learned counsels for the parties and perused the paper-book of the case. I find force in the arguments advanced by learned Counsel for the appellants.

QUESTION OF INCOME ASSESSED

7. In the present case, perusal of the record indicates that deceased-Manjeet, at the time of accident was 25 years of age. He was working as a Salesman at Bhardwaj Automobiles, Panipat and was drawing a salary of Rs. 15,400/- per month. However, learned Tribunal assessed the income of the deceased @ Rs. 10,000/- per month; nevertheless as per the salary certificate alongwith the statement of Sushil Kumar who appeared as PW-11, it was proved on record that the deceased was receiving salary @ Rs. 15,400/- per month and the learned Tribunal, erred while ignoring the same. Therefore, this Court in its humble opinion and in the facts and circumstances of the present case assesses

the income of deceased as Rs. 15,400/- per month in consonance with the records available on the file.

8. The Hon'ble Supreme Court in the case of **"Smt. Sarla Verma and others vs. Delhi Transport Corporation and another,"** reported as **2009(3) RCR (Civil) 77**, was pleased to hold that in case the number of dependent family members was 2 to 3, 1/3rd needs to be deducted as personal expenses from the total income. Relevant para of the judgment is culled out as under:-

"30. Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in Trilok Chandra[(1996) 4 SCC 362], the general practice is to apply standardized deductions. Having considered several subsequent decisions of this Court, we are of the view that where the deceased was married, deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one-fourth (1/4th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family member exceeds six."

QUESTION OF COMPENSATION UNDER CONVENTIONAL HEADS

9. Furthermore, in view of the judgment of the Hon'ble Apex Court in **Smt. Sarla Verma's case (supra), "National Insurance Co. Ltd. vs. Pranay Sethi and others"** reported as **(2017) 16 SCC 680** and **"United India Insurance Co.Ltd. vs. Satinder Kaur"**, reported as **(2021) 11 SCC 780**, compensation awarded under conventional heads are also required to be assessed accordingly. Appellants/claimants are thus, held entitled for Rs. 18,000/- as compensation under funeral head and Rs. 18,000/- towards loss of estate. Loss of consortium is assessed to the tune of Rs. 1,44,000/- (Rs. 48,000 x 3) as the appellants, being

spouse and parents of deceased are also entitled for spousal and filial consortium.

CONCLUSION

10. In view of the discussion made hereinabove, the appellant/claimant is held entitled for the grant of compensation in the following manner:-

S.No.	Nature	Amount (in Rs.)
1.	Annual Income of Deceased	Rs. 1,84,800/-
2.	Deduction (1/3 rd)	Rs. 61,600/-
3.	Net Income (Rs. 1,84,800 – Rs. 61,600)	Rs. 1,23,200/-
4.	Future Prospects (40%)	Rs. 49,280/-
5.	Total Income (1,23,200 + 49,280)	Rs. 1,72,480/-
6.	Loss of Income after applying multiplier of 18 as per the age of 25 years (1,72,480 x 18)	Rs. 31,04,640/-
7.	Loss of estate	Rs. 18,000/-
8.	Funeral Expenses	Rs. 18,000/-
9.	Loss of Consortium (48,000 x 3)	Rs. 1,44,000/-
10.	Total compensation	Rs. 32,84,640/-
11.	Amount Awarded by the Tribunal	Rs. 19,74,340/-
12.	Enhanced Compensation	Rs. 13,10,300/-

11. The grant of interest @ 6% per annum is not equitable and just in view of the observations made by the Hon’ble Supreme Court in **“Smt. Supe Dei and others vs. National Insurance Company Limited and other,** reported as **(2009) (4) SCC 513** approved in a subsequent judgment titled as **“Puttamma and others vs. K.L. Narayana Reddy and another, 2014 (1) RCR (Civil) 443,** thus, the interest is enhanced to 9% per annum on the amount of compensation awarded to the claimants from the date of institution of claim petition till its realization. In case the said amount is not paid within three months, the same

shall be payable thereafter along with 12% interest from the expiry of period of three months from today. Needless to mention here that the amount of compensation already paid to the claimant shall be deducted from the enhanced compensation.

12. In view of the aforesaid modification, the present appeal stands disposed of. Pending miscellaneous application(s), if any, shall also stand disposed of.

December 18, 2025
Tejwinder

(HARKESH MANUJA)
JUDGE

<i>Whether speaking/reasoned</i>	<i>Yes/No</i>
<i>Whether Reportable</i>	<i>Yes/No</i>