

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****244****FAO-3549-2019(O&M)****Date of decision: 27.10.2025****Suman & Others****...Appellant(s)****Vs.****Satbir & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Ajay Gupta, Advocate
for the appellants.

Mr. Ram Pal Verma, Advocate
for respondents No.1 and 2.

*********NIDHI GUPTA, J.**

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.26,67,220/- awarded by the Motor Accident Claims Tribunal, Rewari (hereinafter 'the learned Tribunal') vide Award dated 06.02.2019 passed in MACP/331/2017 dated 11.07.2017 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 3 claimants are the widow and 2 minor children of deceased Rajender Kumar, who was 38 years old at the time of accident. Pro-forma respondent No.4 is the mother of the deceased.

2. Mr. Ram Pal Verma, Advocate puts in appearance on behalf of respondents No.1 and 2 and files Power of Attorney, which is taken on record.



3. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Rajender Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 05.03.2017 at about 9:30 pm due to the rash and negligent driving of the Canter bearing registration No.HR-69-B-6136 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2, and insured by respondent No.3. The aforesaid compensation has been awarded along with interest of 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation.

4. Learned counsel submits that although in the appeal challenge has been laid to the Award only on the grounds that: a) pro-forma respondent No.4/mother of the deceased could not have been awarded equal/proportionate share of the compensation amount, and she should have been granted only 10% of the amount awarded, instead of equal share as she has 6 sons to maintain her; and b) compensation of Rs.70 lakh ought to have been granted along with 18% interest instead of 7.5%; however, prayer is limited only to the extent that nothing has been awarded by way of consortium to the claimants No.2 and 3/minor children of the deceased.

5. Ld. counsel for respondent No.3-Insurance Company opposes the submissions made on behalf of the appellants and submits that the impugned Award suffers from no error; and prays for dismissal of the appeal.



6. No other argument is made on behalf of the appellants. I have heard learned counsel and perused the case file in detail.

7. Perusal of record of the case shows that prior to the accident, the deceased was working as an employee of the Haryana Police and his gross pay was Rs.34,013/- in February 2017. Learned Tribunal had accordingly made an addition of 50% towards future prospects and taken monthly income of the deceased as Rs.51,019/- (Rs.34,013/- + Rs.17,006/-). As there were 3 claimants, deduction of $\frac{1}{4}^{\text{th}}$ was correctly made; thus calculating monthly income to be Rs.38,265/-; and annual income to be Rs.4,59,180/- (Rs.38,265/- x 12). As deceased was 38 years old, multiplier of 15 was correctly applied; thereby calculating total dependency to be Rs.68,87,700/- (Rs.4,59,180/- x 15). The learned Tribunal had further awarded Rs.40,000/- towards loss of consortium to claimant No.1; Rs.15,000/- towards funeral expenses; and Rs.15,000/- for loss of estate. Thereby granting total compensation of ₹69,57,700/-.

8. Further, as per Rule 5 of the Haryana Compassionate Assistance to the Dependents of Deceased Government Employees Rules, 2006, claimant No.1/widow would get compensatory help to the tune of Rs.29,795/- per month till the retirement of the deceased. The said amount came to a total of Rs.42,90,480/- (Rs.29,795/- x 12 x 12). Learned Tribunal had accordingly made a deduction of set amount of Rs.42,90,480/- from the total compensation of ₹69,57,700/- and granted Rs.26,67,220/-. I find no



error in the same. However, as per the structured formula enunciated by the Hon'ble Supreme Court, the claimants No.2 and 3 being minor children of the deceased are entitled to consortium of Rs.40,000/- each (Rs.80,000/- total). Thus, appellants are entitled to compensation of ₹27,47,220/- (Rs.26,67,220/- + ₹80,000/-).

9. The present appeal accordingly stands **partly allowed** in above terms.

10. Pending application(s) if any also stand(s) disposed of.

27.10.2025

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No