



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

Sr. No.146

FAO-4453-2019

Date of Decision: 26.11.2025

RANJEET KAUR AND OTHERS

....Appellants

Versus

PAWAN KUMAR AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. G.C. Shahpuri, Advocate
for the appellants.

ARCHANA PURI, J. (Oral)

The appellants have filed the present appeal, for seeking enhancement of compensation, awarded by learned Tribunal, on account of death of Jitender Singh, in a motor vehicular accident.

At this stage, counsel submits that he does not dispute about the extent of earnings of the deceased, as taken by the Tribunal and the addition on the count of future prospects, as well as deduction made, on the account of personal expenses and also on account of multiplier. It is submitted that the calculation, so far as these counts are concerned, is appropriate. However, he disputes only the payment of compensation, under the conventional heads and submits that it calls for enhancement.

There is no other appeal, filed at the instance of the Insurance Company, as disclosed by the counsel for the appellants. Considering the same and also after going through the Award, it is evident that the Tribunal

had concluded about the accident to have taken place on 23.08.2018, on



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account of rash and negligent driving of the car bearing No.HR-08P-7428, driven by respondent No.1-Pawan Kumar and the same resulted into fatal injuries on the person of Jitender Singh, who was employed as cleaner on the truck bearing No.JK-02AR-3144. The income of the deceased is assessed by learned Tribunal, as Rs.9,000/- per month.

Considering the submissions made by the counsel for the appellants, so far as calculation of the compensation, while considering the extent of earnings, addition on the count of future prospects and the deduction made on the count of personal expenses, is concerned, the same have been appropriately made, which is to the extent of Rs.19,27,800/-. However, under the conventional heads, amount of Rs.40,000/-, on the count of loss of consortium and Rs.15,000/- each, on the count of funeral expenses and loss of estate, awarded by learned Tribunal, is on a lesser side, as per the settled prevalent law. As per '*National Insurance Company Limited Vs. Pranay Sethi and others*' 2017(4) RCR (Civil) 1009, addition ought to be made, keeping in view the clause of 10% enhancement, after every three years. Also, as per '*Magma General Insurance Co. Ltd. V/s. Nanu Ram @ Chuhru Ram and others*' 2018 (4) RCR (Civil) 333, compensation has to be awarded on the count of loss of consortium, to all the appellants, who were asserted to be dependents upon the deceased.

In view of the aforesaid, all the appellants are entitled to an amount of Rs.1,93,600/- (48,400 x 4) and account of funeral expenses and loss of estate, amount is Rs.36,300/- (18,150 + 18,150), the total whereof comes to Rs.2,29,900/-.



After making deduction of an amount of Rs.70,000/-, which has already been awarded by learned Tribunal, under the conventional heads, the enhanced amount, comes to be Rs.1,59,900/-. The enhanced amount be apportioned equally amongst all the appellants. The Insurance Company shall pay the enhanced amount, within a period of six weeks from today onwards, failing which it shall be liable to pay penal interest @ 6% per annum, till realization.

In view of the aforesaid terms, the FAO is allowed.

26.11.2025

Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No