



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

(106)

**FAO no. 3793 of 2022
Date of Decision: 23.09.2025**

RITU @ RITURAJ AND OTHERS

... APPELLANTS

VERSUS

ANIL KUMAR AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Sumit Gupta, Advocate,
for the appellant.

Ms. Parminder Kaur, Advocate
for the respondent

VIRINDER AGGARWAL, J.(Oral)

1. The present appeal has been preferred by the claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Sonipat, vide award dated 12.01.2022, whereby compensation of Rs 20,44,400/- along with interest rate of 7.5% per annum was awarded on account of the death of Jaideep in a motor vehicular accident.

FACTS

2. The motor vehicular accident took place on 24.10.2018 at about 12:30 PM near Grain Market, Gohana-Jind Road, District Sonipat, when Jaideep, aged about 32 years, was returning home on foot after selling paddy. A Haryana Roadways bus bearing registration No. HR-56A-3678, driven by respondent No. 1 Anil Kumar in a rash and negligent manner, struck against him, resulting in fatal injuries. The deceased was taken to PGIMS, Rohtak,



where he was declared dead. The claim petition was filed by his widow Ritu @ Rituraj, two minor children, and parents under Sections 166 of the Motor Vehicles Act, 1988.

3. The Learned Tribunal, upon appreciation of the evidence, held that the accident dated 24.10.2018 occurred due to rash and negligent driving of respondent No.1. The learned Tribunal relied upon the FIR, charge-sheet and testimony of witness. The learned Tribunal assessed the monthly income of the deceased as ₹9000 in the absence of any documentary proof, with deduction of one-fourth towards personal expenses and addition of 40% future prospects, and application of multiplier of 16 as per age of deceased, leading to a loss of dependency of ₹18,14,400. The learned Tribunal has granted ₹2,30,000 under conventional heads. Thus, total compensation of ₹20,44,400 with interest rate of 7.5% per annum was granted.

CONTENTIONS

4. Learned counsel for the appellants has argued that the learned Tribunal erred in assessing the income on the lower side. It was contended by counsel that the learned Tribunal wrongly applied deduction and multiplier. Further, It was also submitted that the interest awarded is on the lower side, and therefore, the appellants are entitled to enhancement of compensation.

5. Per contra, learned counsel for the respondent no.1 supported the findings of the learned Tribunal and submits that just and reasonable compensation has already been awarded, leaving no ground for interference.

OBSERVATIONS AND FINDINGS

5. Having heard the learned counsel for the appellants and perused the award, I find no ground to interfere.



6. The Learned Tribunal has rightly assessed ₹9,000/- as monthly income of the deceased on a reasonable notional basis, in the absence of any proof with respect to income of deceased, and correctly added 40% towards future prospects in terms of *National Insurance Co. Ltd. v. Pranay Sethi and others*, (2017) 16 SCC 680, as the age of deceased was less than 40 years and was self-employed. The deduction of 1/4th towards personal expenses and application of the multiplier of 16 is in line with the principles laid down in *Sarla Verma v. DTC*, (2009) 6 SCC 121, keeping in view the 32 years age of the deceased. Further, the amounts awarded under the conventional heads have been rightly granted in accordance with *Pranay Sethi (supra)* and *Magma General Insurance Co. Ltd. v. Nanu Ram*, (2018) 18 SCC 130. Thus, the award of the learned Tribunal is well-reasoned, just and fair, and calls for no interference by this Court.

7. Accordingly, the appeal is found to be devoid of merit and is, accordingly, dismissed.

(VIRINDER AGGARWAL)
JUDGE

23.09.2025
saaurav pathania

(i) Whether speaking/reasoned : Yes/No
(ii) Whether reportable : Yes/No