



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

FAO-1692-2010 (O&M)
Date of Decision: December 05, 2025

Neha Verma through LR and another

...Appellants

VERSUS

Mohan Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Ekta Thakur and Ms.Samar Kaushal, Advocates
for the appellants.

Mr.Ajit Pal Singh Sabharwal, Advocate
for respondent No.1.

Mr.Narender Kumar Vashisht, Senior Panel counsel
for respondents No.2 and 3.

ARCHANA PURI, J.

The present appeal has been filed by the appellants-claimants, thereby, questioning the adequacy of the compensation, awarded by learned Tribunal, on account of death of Ashwani @ Rinku, in a motor vehicular accident, which took place on 24.03.2005.

Vide impugned Award, learned Tribunal had decided two claim petitions, one filed by Deepak, on account of injuries sustained by him, while driving the motorcycle and other one was filed by the claimants, for seeking compensation, on account of death of Ashwani @ Rinku, who was pillion rider of the said motorcycle.

On appraisal of the evidence, brought on record, it was concluded by learned Tribunal that the accident in question, had taken place, due to rash

and negligent driving of TATA-407 bearing registration No.CH-01G-0781, driven by respondent No.1-Mohan Singh.

Thereupon, considering the age of deceased Ashwani @ Rinku to be 19 years, at the relevant time and also taking his earning as Rs.3000/- per month, the deduction to the extent of 1/3rd was made and the loss of dependency was worked upon. Considering the age of the mother of deceased, multiplier of ‘13’ was applied. Another amount of Rs.5,000/- was awarded towards ‘last rites and funeral expenses. The compensation aforesaid is now reproduced in tabular form as herein given:-

Income	Rs.3,000/- per month
Deduction 1/3rd	Rs.3000-1000=Rs.2000/- per month annual whereof is Rs.24,000/-
Multiplier of ‘13’ applied	Rs.24000x13=Rs.3,12,000/-
Last rites and funeral expenses	Rs.5,000/-
Total	Rs.3,17,000/-

However, the ‘**work on**’ of the compensation, do call for re-computation, as per prevalent law.

So far as, the age of deceased Ashwani @ Rinku is concerned, the same, as such, is not disputed. It is evident that he was 19 years old. Even though, he had been asserted to be working as Lab Attendant with Dental Surgeon, U.T. Chandigarh and earning Rs.5000/- per month, but however, on account of scanty evidence, coming on record, with regard to source of livelihood, learned Tribunal had considered the earnings of the deceased as Rs.3000/- per month, as casual labourer. However, the earnings are not appropriately taken. In the minimum, where there is no such evidence, coming on record, with regard to the extent of earnings of the deceased, usually the Courts/Tribunals follow minimum wages, as per the notification of the State government concerned. The appellants as well as

the deceased were the residents of Chandigarh, at the relevant time. Considering the same, it is appropriate to consider that the minimum wages payable for monthly and daily rated employees, for the period 01.10.2005 to 31.03.2006 was Rs.3111.50 per month, which is now rounded off as Rs.3112/-. Therefore, this amount, in the minimum, ought to be considered, while making the assessment of the compensation.

The deceased was unmarried at the time of his death. Therefore, as per *Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77*, the deduction ought to be made to the extent of 50%. No doubt, there can be variation of the deduction to be made, on the count of 'personal expenses', if there are large number of dependents on the earnings of the deceased. However, in the case in hand, it is not so. It is only the mother and brother of the deceased, who are stated to be dependent. Therefore, considering the extent of family, the deduction, ought to be to the extent of 1/2.

Considering the age of the deceased, even addition to the extent of 40% has to be made, on the count of 'future prospects'. Even though, learned Tribunal had considered the brother of the deceased to be dependent upon the deceased, who was younger, but however, suffice to make reference to the decision rendered in *The New India Assurance Company Limited vs. Anand Pal & Ors., passed in CA-7920-2023, decided on 04.12.2023*, wherein, older married brothers with their respective children and families, were held not to be entitled to any compensation, on account of death of younger brother.

Considering the aforesaid case law, it is submitted by learned counsel for the appellants that compensation was denied, on account of their

being two family registers, coming forth and the victim was residing separate from the siblings. However, it is submitted that in the present case, the deceased as well as his mother and brother were residing in the same house. May it be so, that they were residing together in one house, but also, it is necessary to make reference to the cross-examination of PW-1 Neha Verma, wherein, she had stated that she had got one elder son, namely Anil Kumar, who is a painter. Considering elder brother to be having his own source of livelihood, in any manner, it cannot be said that the appellant-claimant No.2, who is elder brother of the deceased, was dependent upon the deceased. In the light of the same, no amount for loss of dependency, as such, has to be awarded to appellant-claimant No.2.

Even, the multiplier applied by the Tribunal is erroneous. The age of the mother, as such, has been considered by learned Tribunal, whereas, as per *Sarla Verma's case (supra)*, it is the age of the deceased, ought to be taken into consideration. Considering the same, the appropriate multiplier to be applied is '18', instead of '13'.

Besides the aforesaid, under the conventional heads, various counts have been given amiss.

So far as, 'funeral expenses' are concerned, an amount of Rs.5,000/- has awarded, which is not appropriate, as per settled law, as observed in, *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, which had provided the base amount of Rs.15,000/-, on the count of 'funeral expenses', which is liable for enhancement to the extent of 10%, after every three years of passing of the judgment and therefore, the prevalent amount payable, under this count is Rs.18,150/-. Besides the same, in consonance with *Pranay Sethi's case*

(supra), on the count of ‘loss of estate’, the amount payable is Rs.18,150/-.

Further, the count of ‘loss of consortium’ has been given amiss. It is pertinent to mention that mother, of course, is entitled to prevalent amount of Rs.48,400/-. Not only this, even on this count, brother of the deceased is also entitled to some amount, as the right to consortium, would include the company, care, help, comfort, guidance, solace and affection of the deceased, which is also a loss to his family. Appellant-claimant No.2 has been deprived of the love and affection of his younger brother, which aspect is also comprehended in the ‘loss of consortium’.

In view of the aforesaid observations, the enhanced compensation now worked upon, is hereby given in tabular form:-

Earnings	Rs.3112/-
Deduction of 1/2	Rs.3112-1556=Rs.1556/-
Addition of 40%	Rs.1556+622=Rs.2178/-, annual whereof is Rs.26,136/-
Multiplier of ‘18’	Rs.26,136x18=Rs.4,70,448/-
Loss of consortium	Rs.48,400x2=Rs.96,800/-
Loss of estate	Rs.18,150/-
Funeral expenses	Rs.18,150/-
Total	Rs.6,03,548/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.6,03,548-3,17,000=Rs.2,86,548/-**. On the enhanced amount of the compensation i.e. **Rs.2,86,548/-**, the appellants-claimants, shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation.

As observed in the earlier portion of the judgment, learned Tribunal had awarded Rs.1 lakh to appellant-claimant No.2, but however, as per the

version, it is the mother, who is entitled to the compensation aforesaid, apart from the compensation to the extent of Rs.48,400/-, awarded to appellant-claimant No.2-Anil Kumar, on the count of loss of consortium. However, mother of deceased Ashwani @ Rinku has also died and appellant-claimant No.2 is her legal heir. Considering the same, the requisite enhanced amount of compensation is hereby awarded to appellant-claimant No.2-Anil Kumar.

The impugned Award dated 04.02.2009 stands modified, to the extent, as indicated aforesaid.

With the above observations, the present appeal stands allowed.

December 05, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No