



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

FAO-1080-2012 (O&M)
Date of Decision: December 15, 2025

Smt.Santosh and others

...Appellants

VERSUS

Om Parkash Yadav and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Sat Narain Yadav, Advocate
for the appellants.

Mr.Vinod Gupta, Advocate
for respondent No.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 Rakesh Kumar, in a motor vehicular accident, which took place on 04.03.2008.

On appraisal of the evidence, brought on record, learned Tribunal had concluded about the accident to have taken place, on account of rash and negligent driving of the truck bearing registration No.HR-47A-2459, driven by respondent No.1-Om Parkash Yadav and the same resulted into death of Rakesh Kumar.

It was pleaded case of the appellants-claimants about the deceased to be 39 years and that he was employed as crane driver in

Mumbai and getting salary of Rs.10,000/- per month.

So far as, age is concerned, taking his date of birth to be 20.04.1968, as evident from the evidence, brought on record, the age of the deceased was assessed as 39 years. So far as, the extent of earnings of the deceased is concerned, there was no such salary certificate, coming on record. In the light of the same, while considering the fact of labourer getting about Rs.4500/- per month, at the relevant time, assessed the earnings of the deceased as Rs.6000/- per month and worked upon the compensation, which is now reproduced in the tabular form, as herein given:-

Income	Rs.6,000/- per month
Deduction 1/4th	Rs.6000-1500=Rs.4500/- per month annual whereof is Rs.54,000/-
Multiplier of ‘15’ applied	Rs.54000x15=Rs.8,10,000/-
Funeral expenses	Rs.5,000/-
Loss of consortium	Rs.5,000/-
Total	Rs.8,20,000/-

It is pertinent to mention that no appeal has been filed by the respondents, upon whom, the liability fastened was joint and several.

Considering the same, this Court is required to see, as to whether, there is scope of enhancement. The ‘work on’ of the compensation aforesaid, do call for re-computation, as per prevalent settled law.

With regard to the vocation followed by the deceased, PW-2 Santosh, widow of the deceased, in her affidavit Ex.PW2/A, has categorically stated about the deceased to be working as crane driver. There is no reason to discard the testimony of PW-2 Santosh. However, since no documentary evidence, with regard to the extent of earnings, is coming on record, in modest estimate, considering of dearth of availability of skilled workers all the time in the society, the earnings, as such, assessed by learned

Tribunal as Rs.6000/- per month, is appropriate, which also, has not been disputed by counsel for the parties.

Further, there is scope for enhancement, on account of future prospects as well as under the conventional heads. Taking into consideration the age of the deceased as 39 years, addition of 40%, on the count of ‘future prospects’ has to be made.

So far as, ‘funeral expenses’ and ‘loss of consortium’ are concerned, an amount of Rs.5,000/- each has been 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’ and Rs.40,000/-, on the count of ‘loss of consortium’, which call for enhancement to the extent of 10%, after every three years of passing of the judgment and therefore, the prevalent amount payable, under these counts is Rs.18,150/- and Rs.48,400/- respectively. Further, as per *Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130*, all the dependents are entitled to compensation, on the count of ‘loss of consortium’, be it ‘filial’, ‘spousal’ or ‘parental’ and therefore, the same is payable to all the appellants-claimants.

Besides the same, in consonance with *Pranay Sethi’s case (supra)*, on the count of ‘loss of estate’, the compensation payable is Rs.18,150/-.

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

Earnings	Rs.6000/-
Addition of 40%	Rs.6000+2400=Rs.8400/-,

Deduction of 1/4th	Rs.8400-2100=Rs.6300/- annual whereof is Rs.75,600/-
Multiplier of ‘15’	Rs.75,600x15=Rs.11,34,000/-
Loss of consortium	Rs.48,400x4=Rs.1,93,600/-
Loss of estate	Rs.18,150/-
Funeral expenses	Rs.18,150/-
Total	Rs.13,63,900/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.13,63,900-8,20,000=Rs.5,43,900/-**. On the enhanced amount of the compensation i.e. **Rs.5,43,900 /-**, 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. The enhanced amount of compensation shall be disbursed to the appellants-claimants, in equal shares.

The impugned Award dated 04.08.2011 stands modified, to the extent, as indicated aforesaid. The remaining terms, with regard to the liability to pay the compensation, shall remain the same.

With the above observations, the present appeal stands allowed.

December 15, 2025
Vgulati

Whether speaking/reasoned
Whether reportable

(ARCHANA PURI)
JUDGE

Yes
Yes/No