



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

FAO-3811-2025(O&M)

Reserved on : 15.10.2025

Date of decision: 28.10.2025

Krishna

..Appellant

Versus

Krishan Kumar and others

..Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Ram Kumar Saini, Advocate
and Mr. Ankit Saini, Advocate for the appellant

Mr. D.K.Prajapati, Advocate
for respondent No.3-Insurance Company

MANDEEP PANNU, J.

1. This is claimant's appeal against the award dated 12.08.2024 passed by the Motor Accident Claims Tribunal, Hisar (hereinafter referred to as 'Tribunal') with a prayer to modify the amount of compensation. The Tribunal has awarded compensation of Rs.15,19,280/- on account of death of Manjeet, in a vehicular accident, which took place on 18.03.2022. The claim petition has been filed on behalf of his mother. There is no dispute with regard to the correctness of the findings recorded by the Tribunal regarding death of deceased in the aforesaid vehicular accident as well as the fact that the deceased died due to rash and negligent driving by Driver of the Maruti Swift Car bearing registration No.DL-9CW-0998. Hence, the only issue is with regard to quantum of compensation.



2. Since the factum of the accident is not in dispute, therefore, for the sake of brevity, the facts, as recorded by the Tribunal, in the impugned award, are not being reproduced herein.
3. The compensation awarded by the Tribunal is tabulated as under:-

Sr. No.	Heads	Compensation awarded
1.	Monthly Income	10,100/-
2.	Future prospects @ 40% (10100+4040 = 14,140)	14,140/-
3.	Deduction for personal & Living expenses (½)	7070/-
4.	Total yearly income 7070x12 = 84840/-	84840/-
5.	Multiplier 17 17x 84840 = 14,42,280/-	14,42,280/-
6.	Consortium	44,000/-
7.	Transportation and Funeral expenses	16,500/-
8.	Loss of estate	16,500/-
	Total	Rs. 15,19,280/-

4. Learned counsel for the claimants-appellants submits that there is no dispute regarding grant of future prospects, deduction as well as multiplier applied by the Tribunal, however, he submits that Tribunal has wrongly assessed income of the deceased as an unskilled labourer as he was educated and doing online work. Furthermore, while relying upon law laid down by the Hon’ble Supreme Court in **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]** and **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]**, he submits that Tribunal has also failed to award appropriate amount



under Heads 'Loss of Consortium', 'funeral expenses' and 'loss of estate'.

5. Per contra, learned counsel for respondent No.3- Insurance Company has vehemently argued that sufficient amount towards compensation has already been awarded by the Tribunal and there is no scope for enhancement.

6. This Court has considered the submissions made by the learned counsel for the parties.

7. Since no challenge has been laid down by the learned counsel for the appellants to the future prospects, deduction as well as multiplier as applied by the Tribunal, the same are accordingly maintained.

8. Now let us examine the income of the deceased. The claimant has claimed that the deceased was earning Rs.35,000/- per month from online work, however, no documentary proof with regard to his income as freelancer has been placed on record. Therefore, Tribunal has assessed his income as that of an unskilled labourer prevailing at the time of accident in the State of Haryana i.e Rs.10,100/-per month. The deceased was educated and as per version of the claimant, he was earning by doing online work. He was also having his own motorcycle. Hence, in the opinion of this Court, he could atleast be treated at par with a semi-skilled worker and accordingly, his monthly income is assessed as that of semi-skilled worker in the State of Haryana at the time of accident i.e Rs.10,603.78 rounded off to Rs.10604/-.



9. Furthermore, learned counsel for the appellant/claimant has rightly relied upon the law laid down by the Hon’ble Supreme Court in **Pranay Sethi’s case (supra)**, thereby entitling the claimant-appellant to Rs.18,000/- each towards loss of estate and funeral expenses as well as Rs.48,000/- towards loss of consortium.

10. Accordingly, the compensation is re-assessed as under :

Sr. No.	Heads	Compensation awarded
1.	Monthly Income	10,604/-
2.	Future prospects @ 40% 40% of 10604 = 4241.6 = 4242	14,846 [10604+4242]
3.	Deduction for personal & Living expenses (½)	7423/-
4.	Total yearly income 7423x12 = 89076	89076/-
5.	Multiplier 17 17x 89076 = 15,14,292/-	15,14,292/-
6.	Consortium	48,000/-
7.	Transportation and Funeral expenses	18,000/-
8.	Loss of estate	18,000/-
	Total	Rs. 15,98,292/-

11. The claimant-appellant shall be entitled to difference in amount of compensation alongwith interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realization. Rest of the award needs no modification.

12. Accordingly, the appeal stands partly allowed.

13. All the pending miscellaneous applications, if any, are also disposed of.

(MANDEEP PANNU)
JUDGE

28.10.2025

rekha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No