

**FAO-2692-2017(O&M)
and other connected case**

2025 PHHC 008659



**225-1 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

1.FAO-2692-2017(O&M)

United India Insurance Co. Ltd.

..Appellant

Versus

Manju Rani and others

..Respondents

2.FAO-4512-2017(O&M)

Manju Rani and others

..Appellants

Versus

Parveen Kumar and others

..Respondents

Date of decision: 20.01.2025

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr.Suvir Dewan, Advocate
for the appellant in FAO-2692-2017
and for responnent no.3 in FAO-4512-2017

Mr.Deepak Vashisht, Advocate
and Mr. Sunil Bhardwaj, Advocate
for the appellants in FAO-4512-2017
and for respondent no.1 to 5 in FAO-2692-2017

Mr. Yashveer Kharb, Advocate
for respondent no.6 & 7 in FAO-2692-2017

*** * * ***

ANIL KSHETARPAL, J. (Oral)

In these two cross appeals, the only question is with respect to

the quantum of compensation payable to the claimants on account of death



of late Sh.Ashok, aged about 28 years on 29.01.2015 in a motor vehicular accident. The Tribunal has assessed the income of the deceased at the rate of Rs.8000/- per month, which has been scaled up by 50% on account of future prospects. After deducting 1/4th towards personal expenses, as the deceased had left behind widow, two minor children and parents, the Tribunal assessed Rs.20,56,000/- as total compensation.

Learned counsel representing the appellant contends that addition in the income towards future prospects, can be 40% and not 50%. He further submits that the Tribunal has also erred in granting Rs.1,00,000/- for love and affection and Rs.1,00,000/- for loss of consortium and Rs.20,000/- towards funeral expenses.

Per contra, the learned counsel representing the respondent submits that the Tribunal has erred in assessing the deceased's income at the rate of Rs.8,000/- per month, particularly when the deceased was working as agriculturist and also earning additional amount by doing odd jobs.

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

In '*National Insurance Company Ltd. vs. Pranay Sethi and other*' 2017 (10) SCC 450, a Five Judge Bench of the Supreme Court held on account of future prospects the income is to be increased by 40% in case the deceased was self employed or was not having any permanent job. In this case, the deceased was working as labourer in agricultural fields. He had no permanent job. Hence, the addition on account of future prospects shall be 40% and not 50%. The widow, children and parents shall be entitled to spousal, parental and filial consortium at the rate of Rs.48,000/- each. For

FAO-2692-2017(O&M)
and other connected case

2025 PHHC 008659



loss of estate and funeral expenses, the claimants shall be entitled to Rs.18,000/- each. As far as claimants’ appeal is concerned, it may be noticed that no cogent evidence has been produced by them to prove that the deceased was working after having worked in the fields. In the absence of cogent evidence which has not been considered, the appellate court does not find it appropriate to modify. The amount of compensation is revised as under:-

Heads	Amount awarded by Tribunal	Amount awarded by High Court
Monthly income	8000/-	8000/-
Future prospects	50% i.e 4000/-	40% i.e 3200/-
Monthly income	8000+4000= 12000/-	8000+3200= 11,200/-
Annual income	12000x12= 1,44,000/-	11200x12= 1,34,400/-
Dependency	1/4th	1/4th of 11200= 2800 11200-2800= 8400 8400x12=1,00,800/-
Multiplier	17	17x100800=17,13,600/-
Spousal & parental consortium	1,00,000/- (to wife)	48,000/- each i.e 48000x3 = 144000
Filial consortium		96,000/-
Loss of estate	1,00,000/-	18,000/-
Funeral expenses	20,000/-	18,000/-
Total compensation	20,56,000/-	19,89,600/-
Difference	2056000-1989600 = 66,400/-	

Both the appeals stand disposed of.

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

20.01.2025

rekha

Whether speaking/reasoned
Whether reportable

(ANIL KSHETARPAL)
JUDGE

Yes/No
Yes/No