



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

126

FAO-4701-2018 (O&M)

Date of Decision: November 18, 2025

Krishna and another

...Appellants

VERSUS

Jai Bhagwan Puri and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Parveen Moudgil, Advocate for
Mr.Harish Nain, Advocate
for the appellant.

ARCHANA PURI, J.

The present appeal has been filed by the appellants/claimants for seeking enhancement of compensation, awarded by learned Motor Accident Claims Tribunal, on account of death of Rakesh, in a motor vehicular accident.

Perusal of the impugned Award reveals that the liability fastened upon the respondents is joint and several.

In the given circumstances, at this stage, for the time being, notice issued only to respondent No.2-Insurance Company.

At this stage, Mr. D.K. Prajapati, Advocate, accepts notice on behalf of respondent-Insurance company.

There is scope for amicable settlement between the parties.

The compensation worked upon by learned Tribunal, in

paragraph No.22 of the Award, in the tabular form, is herein given:-

i)	Dependency of claimants per annum assessed by this Tribunal: (Rs.4250x12)	Rs.51,000/-
ii)	Compensation after multiplier of 18 is applied (Rs.51000x18)	Rs.9,18,000/-
iii)	Funeral expenses	Rs.15,000/-
	Total (ii) + (iii)	Rs.9,33,000/-

Keeping in view the aforesaid, counsel for the Insurance Company has very fairly conceded that the calculation of compensation awarded aforesaid, do call for re-computation, as there is scope for addition on the count of future prospects, as well as under the conventional heads.

Learned counsel for the appellants also submits that he limits his prayer, on the addition of both the aforesaid counts only.

After going through the impugned Award, it is evident that the deceased was 22 years old and there was no evidence brought on record, with regard to his indulgence in agriculture and dairy farming and consequently, his earnings were considered, on the basis of the minimum wages, which was to the extent of Rs.8,500/- per month. However, the deceased was a bachelor and therefore, on the count of ‘personal expenses’, deduction was made to the extent of 50% and taking it to be so, further calculation was made. Therefore, the monthly dependency has been taken to be Rs.4250/-. However, addition on the count of ‘future prospects’ has not been made, which, considering the age of the deceased, ought to be 40% i.e. Rs.1700/- and thus, the monthly earnings of the deceased are taken as Rs.4250+1700=Rs.5950/-, annual whereof is Rs.71,400/-. Considering the age of the deceased, ‘18’ is the suitable multiplier and while applying the same, the compensation is worked upon as Rs.12,85,200/-. Besides the

same, both the appellants-claimants, who are parents of the deceased, are entitled to compensation, on the count of ‘loss of consortium’ to the extent of Rs.48,400/- each, i.e. Rs.96,800/- in total. Furthermore, as per ‘*National Insurance Company Limited Vs. Pranay Sethi and others*’ 2017(4) RCR (Civil) 1009, an amount of Rs.18,150/- each has to be granted, on the counts of ‘loss of estate’ as well as ‘funeral expenses’. Thus, the total compensation now works upon as Rs.14,18,300/- (Rs.12,85,200/- + Rs.96,800/- + Rs.36,300/-).

As such, the requisite enhanced amount i.e. Rs.4,85,300/- (Rs.14,18,300–Rs.9,33,000), shall be paid by the Insurance Company, to the appellants, within a period of two months from today onwards.

In the eventuality of any default, on the part of the Insurance Company, in making the payment of the enhanced amount, within the requisite period, it shall be liable to pay penal interest @ 6% per annum, till realization.

In view of the aforesaid terms, the FAO stands allowed, being compromised.

November 18, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No