



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

Sr. No.136

FAO-5993-2018

Date of Decision: 26.11.2025

BEANT KAUR AND OTHERS

....Appellants

Versus

BALJIT AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mrs. Gurnam Kaur Turka, Advocate
for the appellants.

ARCHANA PURI, J. (Oral)

The present appeal has been filed by the appellants for seeking enhancement of compensation, on account of death of Lakhvir Singh, in a motor vehicular accident, which took place on 10.03.2017.

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

At this stage, for the time being, notice issued only to Insurance Company.

At this stage, Mr. Nigam K. Bhardwaj, Advocate, appears on behalf of the Insurance Company.

Counsel for the parties heard.

The accident in question had taken place on 10.03.2017. On appraisal of evidence, brought on record, learned Tribunal had concluded about the accident to have taken place, on account of rash and negligent driving of respondent No.1-Baljit, while driving canter bearing registration



FAO-5993-2018

No.HR-56A-4930, which resulted into fatal injuries on the person of Lakhvir Singh. The liability fastened is joint and several. On appraisal of the evidence, learned Tribunal had also concluded about the deceased to be 28 years old and that he was working as a driver. However, learned Tribunal had taken the earnings of the deceased as Rs.7,500/- per month, while considering him to be doing the labour work and thereupon, the dependency of appellants No.1 to 3, was taken as Rs.5,000/- per month. Considering the age, multiplier of 17 was applied and thus, the total compensation was worked upon as Rs.10,20,000/-. Apart from it, addition on the count of future prospects to the extent of 40% was made, which comes to Rs.4,08,000/-. Besides the same, another amount of Rs.15,000/-, on the count of funeral expenses was assessed. Similar amount on the count of loss of estate was also awarded. Also, an amount of Rs.40,000/- was awarded, on account of loss of consortium.

However, the compensation worked upon aforesaid, do call for recomputation, as per the settled prevalent law.

It is not disputed by the counsel for the Insurance Company about the oral evidence coming on record, with regard to indulgence of the deceased in driving. Considering the same, the testimony of Beant Kaur, PW-2, as such, cannot be discarded. In the minimum, in the absence of any documentary proof, regarding the earnings of the deceased, the minimum wages on account of deceased to be working as skilled worker, ought to be considered. The prevalent minimum wages were Rs.9,245/- per month. In the light of the same, the earnings of the deceased are taken as Rs.9,300/- per month. To the said amount 40% is to be added, on the count of future



FAO-5993-2018

prospects. As such, the total monthly earnings, after addition of 40% amount, is taken as Rs.13,020/-. Even though, in the claim petition, it was asserted about Gurjant Singh, father of the deceased, to be dependent upon him, but however, considering him to be not dependent, the learned Tribunal had made deduction to the extent of 1/3rd. However, the father is dependent upon his young son, on various counts, such as service dependency, emotional dependency, so on and so forth. Given the same, the deduction ought to be, to the extent of 1/4th, instead of 1/3rd, which comes to be Rs.3,255/-. After deducting the said amount, the loss of dependency is Rs.9,765/-, annual whereof is Rs.1,17,180/-. Considering the age of the deceased to be 28 years, '17' is the suitable multiplier. As such, the compensation works upon as Rs.19,92,060/-.

Besides the aforesaid, as per the settled law, on the count of loss of consortium, all the dependents are entitled to an amount of Rs.48,400/- each, as per '*National Insurance Company Limited Vs. Pranay Sethi and others*' 2017(4) RCR (Civil) 1009, considering the addition of 10% after every three years from the date of passing of the judgment. Thus, the compensation, on account of 'loss of consortium', is worked upon as Rs.1,93,600/- (48,400 x 4). Besides the same, on the counts of 'funeral expenses', as well as 'loss of estate', the prevalent amount payable, is Rs.18,150/- each. Making addition on the aforesaid counts, the compensation works upon as Rs.22,21,960/- (19,92,060 + 1,93,600 + 18,150 + 18,150). The compensation awarded by learned Tribunal was to the extent of Rs.14,98,000/-. After making the deduction, the enhanced amount of compensation is Rs.7,23,960/- (22,21,960 – 14,98,000/-). On the enhanced

**FAO-5993-2018**

amount, the appellants shall be held liable to the interest @ 6% per annum, from the date of filing of the appeal, till realization of the amount of compensation.

Keeping in view the fact about no amount having paid to the father of the deceased, he is now held entitled for compensation. As such, an amount of Rs.2,00,000/- be paid to the widow, Rs.1,50,000/- each be paid to the son and mother and the residue of Rs.2,23,960/-, be paid to the father of the deceased.

In view of the aforesaid terms, the FAO is allowed.

26.11.2025

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No