

FAO-625-2022 (O&M)

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

**CM-22169-CII-2025 in/and
FAO-625-2022 (O&M)
Decided on : 07.11.2025**

Savita Sharma & anr.

....Appellants

Versus

Ravinder @ Mahinder & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Mr. Kamal Kant, Advocate
for the appellants.
(Through V.C.)

Mr. R.C.Kapoor, Advocate for
respondent No.3-Ins. Co.

PANKAJ JAIN, J. (ORAL)

CM-22169-CII-2025

This is an application filed by the applicants-appellants, seeking
restoration of FAO-625-2022 to its original number.

For the reasons, as are mentioned in the application, this Court is
satisfied that counsel for the applicants-appellants made out the sufficient
cause for his non-appearance on 08.10.2025.

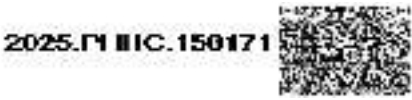
In view of the above, the application is allowed and FAO-625-
2022 is restored to its original number.

Main case

- 1 Claimants are in appeal seeking enhancement of compensation.
- 2 The claim for compensation arises on account of death of Devender Kumar, who lost his life in a motor-vehicle accident dated 16.12.2016, at the age of 52 years. The Tribunal awarded compensation as under :-

Sr.No.	Heads	Calculation (in Rs.)
(i)	Income	9020/- per month
(ii)	1/3 rd of the (i) deducted as personal expenses of the deceased	9020-3006 = 6014/- per month
(iii)	Compensation after multiplier of 11 is applied	6014 x 12 x 11 = 7,93,848/-
(iv)	Loss of estate	15,000/-
(v)	Loss of consortium payable to the widow only i.e. petitioner No.1	40,000/-
(vi)	Funeral expenses	15,000/-
(vii)	Medical Bills	3,66,000/-
	Total compensation awarded	(Rs.12,29,848/-) (say Rs.12,30,000/-

- 3 Counsel for the appellants has drawn attention of this Court to the medical bills Ex.P49 to Ex.P64 amounting to **Rs.5,48,647/-**. He submits that the same have been discarded by the Tribunal wrongly merely for the reason that the same have been issued after the death of the deceased.
- 4 In the considered opinion of this Court, the medical bills tendered in evidence ought not have been discarded by the Tribunal merely for the reason that the same were issued after the death of the deceased. Rather there is no evidence to prove that the same are not relevant. The same pertains to the treatment of the deceased.



5 The compensation awarded under other heads also needs modification in view of ratio of law laid down by Supreme Court in the case of *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009* and *Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., 2018(4) RCR (Civil) 333*. The same is accordingly modified to the following effect :-

Sr.No.	Heads	Calculation (in Rs.)
(i)	Income	9020/- per month
(ii)	1/3 rd of the (i) deducted as personal expenses of the deceased	9020-3006 = 6014/- per month
(iii)	Compensation after multiplier of 11 is applied	6014 x 12 x 11 = 7,93,848/-
(iv)	Loss of estate	18,000/-
(v)	Loss of consortium payable to the widow only i.e. petitioner No.1	48,000/- x 2 = 96,000/-
(vi)	Funeral expenses	18,000/-
(vii)	Medical Bills	3,67,000/- + 5,48,700/-
	Total compensation awarded	Rs.18,41,548/-

6 With the aforesaid modification in the impugned award, the appeal is disposed off.

7 Needless to say, the appellants shall be entitled to interest @7% per annum on the enhanced amount from date of filing of the claim petition till the date of actual realization. Any amount already paid to the claimants shall be set off.

07.11.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No