

**FAO-15779 of 2018**

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**229 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**FAO-15779 of 2018
Date of Decision: 10.09.2025

DIMPLE AND OTHERS

....Appellants

Versus

GERU RAM AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYALPresent: Mr. Ashwani Arora, Advocate
for the appellants.

None for respondent No.3.

Parmod Goyal, J.

Present appeal has been preferred by the wife, daughter and father of the deceased, Sanjiv Kumar (hereinafter referred to as the “Deceased”), who died in a road accident which took place on 15.09.2009, on account of rash and negligent driving by Respondent No. 1 while driving tanker bearing registration No. HP-34-B- 5252.

2. Being aggrieved by the impugned award dated 03.02.2018 passed by the Motor Accident Claims Tribunal, Ropar (hereinafter referred to as “Tribunal”), vide which the appellants were found entitled to total compensation of Rs.43,85,000/-, the appellants are seeking enhancement of compensation awarded by the Tribunal as the same is not according to their entitlement.

3. Since the factum of the accident is not in dispute, the facts, as



recorded in the impugned award passed by the Tribunal are not being adverted to herein for sake of brevity.

4. The Tribunal in the present case has awarded the following compensation:

Monthly Income		Rs. 3,90,000/- per year
Future Prospects		
Deduction	1/3 rd	Rs.3,90,000 – 1,30,000/- = Rs 2,60,000/-
Multiplier	16	16
Total Loss of Dependency	2,60,000 X16	Rs 41,60,000/-
Loss of Estate		
Funeral Expenses	Rs. 25,000/-	Rs. 25,000/-
Loss of Spousal Consortium to claimant no.1	Rs. 1,00,000/-	Rs. 1,00,000/-
Loss of Parental Consortium to Claimant No. 2		Rs. 1,00,000/-
Total Compensation awarded		Rs. 43,85,000/-

5. Learned Counsel for the claimants-appellants contended that though the claimants-appellants do not challenge the income as assessed, the deduction made, and the multiplier applied by the Tribunal, however, no addition has been made towards future prospects which ought to have been 40%. I find merit in contention of learned counsel for appellant. Petitioner was aged 34 years, therefore, claimants are entitled to loss of dependency after adding future prospects in view of ***National Insurance Company Ltd. Versus Pranay Sethi & Ors.***, 2017 (4) RCR (Civil) 1009.

6. Accordingly the reworked compensation after adding 40% as



future prospects to income of deceased to which the claimants/appellants are entitled to is as under:

Income	Rs. 3,90,000/-	Rs. 3,90,000/-
Future Prospects	40%	3,90,000 +1,56,000 = Rs 5,46,000/-
Deduction	1/3	Rs 5,46,000 – 1,82,000 = Rs. 3,64,000
Multiplier	16	16
Total loss of dependency	Rs. 3,64,000 X 16	Rs. 58,24,000/-
Loss of Estate	Rs. 15,000/-	Rs. 15,000/-
Funeral Expenses	Rs. 15,000/-	Rs. 15,000/-
Loss of Spousal Consortium to claimant No. 1	Rs. 40,000/-	Rs. 40,000/-
Loss of Parental Consortium to claimant no.2	Rs. 40,000/-	Rs. 40,000/-
Loss of filial consortium to claimant no. 3	Rs. 40,000/-	Rs. 40,000/-
Total Compensation awarded in appeal		Rs. 59,74,000/-
Total Compensation awarded by the Tribunal		Rs. 43,85,000/-
Enhanced amount of compensation	Rs 59,74,000 (awarded in appeal) – Rs 43,85,000 (awarded by the Tribunal)	Rs 15,89,000/-

7. In view of the above the present appeal is allowed in above terms and the award passed by the Tribunal is modified accordingly.

8. In view of the decision by the Hon'ble Supreme Court in



Parminder Singh Vs. Honey Goyal & Ors., AIR 2025 SC 1713, after calculation of the enhanced amount the same be transferred by respondent No. 3 Insurance Company in the bank account(s) of the claimants-appellants within a period of six weeks from today in accordance with apportionment and directions in award by Tribunal. The particulars of the bank account(s) along with requisite documents in support thereof shall be furnished by the claimants-appellants to respondent No.3–Insurance company within a period of two weeks from today and needful shall be done by respondent no.3–Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest.

10.09.2025

chiranjeev

**(PARMOD GOYAL)
JUDGE**

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No