



FAO No.1117 of 2024 (O&M)

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

FAO No.1117 of 2024 (O&M)

Reserved on: 05.12.2025

Pronounced on: 24.12.2025

Uploaded on:24.12.2025

POOJA

.....Appellant(s)

Vs

SALIM KHAN AND ORS.

....Respondent(s)

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

Present: Mr. Himanshu Munjal, Advocate
for the appellant.

Mr. Vinod Gupta, Advocate
for respondent No.3/Insurance Company.

HARKESH MANUJA, J.

CM-4480-CII-2024 & CM-4481-CII-2024

Prayer in the present application moved on behalf of the applicant-appellant, is for condonation of delay of 34 days in re-filing and 285 days in filing the present appeal.

Notices in both the applications were issued on 20.08.2025.

Learned counsel appearing on behalf of respondent No.3/Insurance Company has opposed the prayers made in the applications.

Upon hearing learned counsel for the parties and considering the averments made in the applications, which are duly supported by an affidavit, sufficient cause for explaining the delay in re-filing and filing of the appeal is

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made out. As such, the delay of 34 and 285 days in re-filing as well as filing the present appeal is condoned. The applications are allowed.

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[1]. By way of present appeal, challenge has been laid to an award dated 05.12.2022 passed by the learned Motor Accident Claims Tribunal, Rewari (for brevity, “the Tribunal”), whereby an amount of Rs.26,85,880/- was awarded as compensation to the appellant/proforma respondents along with interest @ 7.5% per annum from the date of institution of the claim petition till its realization on account of death of Pritam in a motor vehicular accident, occurred on 18.11.2020.

[2]. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed narration of the facts of the case is not reproduced for the sake of brevity.

ARGUMENTS**ON BEHALF OF LEARNED COUNSEL FOR THE APPELLANT**

[3]. Learned counsel for the appellant assailed the award by submitting that the learned Tribunal erred in assessing the income of deceased at Rs.11,600/- per month, ignoring cogent oral and documentary evidence showing that the deceased apart from working as an Operator at Om Enterprises C/o Home India Pvt. Ltd., Khushkhera, was also engaged in agricultural work as well as dairy farming and was earning Rs.40,000/- per month. He further argued that the learned Tribunal erred in awarding future prospects to the extent of 40%, which was on the lower side considering the age, health, vocation and stable income of the deceased. Furthermore, it was submitted that the amount of compensation granted under

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conventional heads was not in consonance with the settled law, therefore, he prayed for enhancement of compensation as per latest decisions on the subject.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR RESPONDENT No.3/INSURANCE COMPANY

[4]. Per contra, learned counsel representing respondent No.3/Insurance Company neither refuted the factum of accident nor even the negligence of the offending vehicle, however submitted that in the facts of the present case, the compensation assessed by the learned Tribunal called for no interference.

DISCUSSION

[5]. I have heard learned counsels for the parties and perused the paperbook of the case. I find force in the arguments advanced by learned Counsel for the appellant.

QUESTION OF INCOME ASSESSED

[6]. In the present case, the appellant asserted that the deceased was employed as an Operator with Om Enterprises, C/o Home India Pvt. Ltd., Khushkhera, and was drawing a monthly salary of ₹20,000/-. It was contended that this fact stood duly established through the testimony of Bhim Singh, HR and Accountant of the said establishment, who appeared as PW-4 and proved the salary statements of the deceased, marked as Ex. PW-4/A to Ex. PW-4/D. It was further pleaded that, in addition to his salaried employment, the deceased was also engaged in agricultural pursuits and was operating a milk dairy, thereby earning an additional income of ₹20,000/- per month. However, since only salary slips reflecting a monthly income of ₹11,600/- were placed on record and no documentary evidence was produced to substantiate the alleged income from

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agriculture and the milk dairy, the learned Tribunal assessed the monthly income of the deceased at ₹11,600/-.

It is well recognised that a person engaged in regular salaried employment, coupled with agricultural or dairy-related activities, would ordinarily have a stable and reasonable source of income sufficient not only for self-maintenance but also for supporting his family. Having regard to the age of the deceased, the nature of his avocation, the prevailing minimum wages applicable to unskilled/skilled labour during the relevant period, and taking into account the probable additional income from the dairy business, apart from the income proved on record, this Court deems it just and reasonable to assess the monthly income of the deceased at ₹15,000/-, which shall be taken as the basis for computation of compensation.

[7]. The Hon'ble Supreme Court in the case of **"Smt. Sarla Verma and others vs. Delhi Transport Corporation and another,"** reported as **2009(3) RCR (Civil) 77**, went on to hold that in case the number of dependent family members was 4 to 6, 1/4th would be deducted as personal expenses from the total income. Relevant para of the judgment is culled out as under:-

"30. Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in Trilok Chandra[(1996) 4 SCC 362], the general practice is to apply standardized deductions. Having considered several subsequent decisions of this Court, we are of the view that where the deceased was married, deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one-fourth (1/4th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family member exceeds six."



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Question of Compensation under Conventional Heads

[8]. Furthermore, in view of the judgment of the Hon’ble Apex Court in Smt. Sarla Verma’s case (supra), “National Insurance Co. Ltd. vs. Pranay Sethi and others” reported as (2017) 16 SCC 680 and “United India Insurance Co.Ltd. vs. Satinder Kaur”, reported as (2021) 11 SCC 780, compensation awarded under conventional heads are also required to be assessed accordingly. Appellants/claimants are thus, held entitled for Rs.18,000/- as compensation under funeral head and Rs.18,000/- towards loss of estate. Loss of consortium is assessed to the tune of Rs.1,44,000/- (Rs.48,000 x 3) as the appellant and proforma respondent Nos.4 and 5, being spouse, sibling and father of deceased are also entitled for spousal, sibling and filial consortium.

CONCLUSION

[9]. In view of what has been discussed hereinabove, the appellant/claimant shall be entitled for the grant of compensation in the following manner:-

Sr.No.	Nature	Amount in Rupees
1.	Annual Income of Deceased	Rs.1,80,000/-
2.	Deduction (1/4 th)	Rs.45,000/-
3	Net Income (Rs. 1,80,000 – Rs. 45,000)	Rs.1,35,000/-
4.	Future Prospects (50%)	Rs.67,500/-
5.	Total Income (1,35,000 + 67,500)	Rs.2,02,500/-
6.	Loss of Income after applying multiplier of 18 as per the age of 23 years (2,02,500 x 18)	Rs.36,45,000/-

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7.	Loss of estate	Rs. 18,000/-
8.	Funeral Expenses	Rs. 18,000/-
9.	Loss of Consortium (48,000 x 3)	Rs. 1,44,000/-
10.	Total compensation	Rs. 38,25,000/-
11.	Amount Awarded by the Tribunal	Rs. 26,85,880/-
12.	Enhanced Compensation	Rs. 11,39,120/-

[10]. The grant of interest @ 7.5% per annum is not equitable and just in view of the observations made by the Hon’ble Supreme Court in **“Smt. Supe Dei and others vs. National Insurance Company Limited and other,** reported as **(2009) (4) SCC 513** approved in a subsequent judgment titled as **“Puttamma and others vs. K.L. Narayana Reddy and another, 2014 (1) RCR (Civil) 443,** thus, the interest is enhanced to 9% per annum on the amount of compensation awarded to the claimants from the date of institution of claim petition till its realization. In case the said amount is not paid within three months, the same shall be payable thereafter along with 12% interest from the expiry of period of three months from today. Needless to mention here that the amount of compensation already paid to the claimant shall be deducted from the enhanced compensation.

[11]. In view of aforesaid modification of the award, the present appeal stands disposed of. Pending miscellaneous application(s) if any, shall also stand disposed of.

December 24, 2025

Atik

Whether speaking/reasoned

Whether reportable

(HARKESH MANUJA)

JUDGE

Yes/No

Yes/No