



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

Sr. No.136

**FAO-671-2023 (O&M)
Date of Decision: 03.02.2026**

NIRMALA DEVI AND ANOTHER

....Appellants

Versus

SUDHIR AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Roopak Bansal, Advocate
for the appellants.

ARCHANA PURI, J. (Oral)**CM-2408-CII-2023**

Along with the main appeal filed for seeking enhancement of compensation, the present application has been filed for seeking condonation of delay of 23 days in filing the appeal.

In view of the averments made in the application, same is allowed and the delay of 23 days in filing the appeal is hereby condoned.

Main case

Notice of motion issued only to respondent No.2-Insurance Company.

At this stage, Mr. Ankur Gupta, Advocate, accepts notice on behalf of respondent No.2-Insurance Company.



Heard.

The appellants/claimants are seeking enhancement of compensation, awarded by learned Motor Accident Claims Tribunal, on account of death of their son-Naveen, in a motor vehicular accident.

Suffice to consider that the date of birth of the deceased, as evident from birth certificate, Ex.P-9, was '20.06.1997'. Thus, his age has been correctly assessed by learned Tribunal, as '21 years old'. Even though, it is the pleaded case of the appellants, about the deceased to be employed in KAPJ Services Private Limited, Gurugram and drawing a salary of Rs.10,775/- per month, but however, with regard to vocation so followed, no evidence, as such, has come on record. Even, it has been correctly observed by learned Tribunal that there is no proof of education of the deceased. Considering the same, learned Tribunal had worked upon the earnings of the deceased, as that of an unskilled worker, which was to the extent of Rs.8541.64, as per the prevalent notification. Taking it to be so, while making an addition of 40% towards 'future prospects', the compensation was worked upon as Rs.1,43,499.55/- per annum. Considering the marital status of the deceased, deduction, on the count of 'personal expenses' was appropriately done by learned Tribunal, to the extent of 50%. After deduction of the amount, 'loss of dependency' was worked upon as Rs.71,749.77. Keeping in view the age of the deceased, '18' was the appropriate multiplier and the same was applied by learned Tribunal and



thus, the compensation, on the count of 'loss of dependency' was worked upon as Rs.12,91,495.86.

Besides the aforesaid, under the conventional heads, an amount of Rs.15,000/- each, was granted, on the counts of 'funeral expenses' and 'loss of estate'. Even, an amount of Rs.80,000/- was granted to the appellants, who are the parents of the deceased, on the count of 'parental consortium'. In view of the same, the total compensation worked upon as Rs.14,01,495.86, which was rounded off to Rs.14,01,496/-. The liability fastened upon respondents No.1 and 2, was joint and several. Even, 6% per annum, interest was awarded, from the date of filing of the claim petition, till payment.

Considering the aforesaid '**work on**' of compensation, there is not much scope for enhancement. However, considering the base amount, on the counts of 'loss of consortium', 'funeral expenses' and 'loss of estate', as provided under the '*National Insurance Company Limited Vs. Pranay Sethi and others*' 2017(4) RCR (Civil) 1009, i.e. Rs.40,000/-, Rs.15,000/- and Rs.15,000/-, respectively and also taking into consideration the clause of enhancement of 10%, after every 3 years, since passing of the judgment in the said case, the amounts now payable under the said counts is Rs.96,800/- (48,400 + 48,400), Rs.18,150/- and Rs.18,150/-, respectively.

In view of the aforesaid, the differential amount, after making deduction of the amount already awarded by learned Tribunal, comes to be Rs.23,100/-. Taking it to be so, now the lumpsum amount of Rs.25,000/- is awarded to the appellants. On the enhanced amount, the appellants shall be



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entitled to the interest @ 6% per annum, from the date of filing of the appeal, till realization.

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

03.02.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No