114 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4761-2025 (O&M)
Date of Decision: 01.04.2026

HEMA DEVI AND ANOTHER

..... Appellants

VERSUS

YAD RAM AND OTHERS

..... Respondents

CORAM: HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present : Mr. Naveen Singh Mandhan, Advocate
for the appellants.

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YASHVIR SINGH RATHOR, J. (Oral)

CM-15301-CII-2025

This application is filed for condonation of delay of 131 days in re-filing the appeal.

For the reasons mentioned in the application, the same is allowed and delay of 131 days in re-filing the appeal is hereby condoned.

Application stands disposed of.

FAO-4761-2025

1. This appeal is directed against the Award dated 14.11.2024 passed by the Motor Accident Claims Tribunal, Kurukshetra **(for short 'Tribunal')** for enhancement of compensation awarded by the learned Tribunal in respect of the

death of Sonu Bora in a motor vehicular accident on account of rash and negligent driving of offending vehicle bearing No. RJ-02GB-1420 **(for short 'offending vehicle')**, being driven by respondent No.2, owned by respondent No.1 and insured with respondent No.3. The claimants are the parents of the deceased.

2. In view of the nature of the order proposed to be passed, issuance of notice to the respondents is dispensed with as it would only delay the proceedings and cause unnecessary expenditure to the respondents.

3. I have heard learned counsel for the appellants and have gone through the material placed on the file.

4. Learned Tribunal after going through the material placed on record has assessed the compensation amount as under:-

Sr. No.	**Particulars**	**Total**
1.	Monthly Income of the deceased	Rs. 10,533/-
2.	Annual income of the deceased	Rs.1,26,396/- (Rs.10,533/- x 12)
3.	Future Prospects @ 40% (since deceased was 29 years of age)	Rs.50,558.40/
4.	Total Annual Income	Rs.1,76,954/- (RS.1,26,396/- + Rs.50,558/-)
5.	Deduction for personal and living expenses (1/2 as the deceased was unmarried)	Rs. 88,477/- (Rs.1,76,954/- X 1/2)
6.	Annual Dependency	Rs. 88,477/- (Rs.1,76,954/- - Rs. 88,477/-)
7.	Multiplier	17
8.	Total dependency	Rs. 15,04,109/- (Rs.88477/- x 17)
9.	Loss of Estate	Rs. 16,500/- (10% enhancement as per **Pranay Sethi's case** (supra) every 3 years)
10.	Funeral Expenses	Rs. 16,500/-(10% enhancement as per **Pranay Sethi's case** (supra) every 3 years)

11.	Loss of Consortium	Rs. 44,000/-
12.	Medical Bills (Ex.P79 to Ex.P90)	Rs. 20,272/-
13.	**Total Compensation**	**Rs. 16,01,381/-**

5. Learned counsel for the appellants argued that the Tribunal has not correctly assessed the income of the deceased. Infact, the deceased was earning Rs. 25,000/- per month while working as a Mason and in the light of the evidence led on file, his income should have been assessed on higher side. Learned counsel further contended that filial consortium has not been awarded to the father whereas same ought to have been granted in view of law laid down in 2018 (4) R.C.R. (Civil) 333, ***'Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & Others*** and (2021) 11 SCC 780***, United India Insurance Co. Ltd. Vs. Satinder Kaur.*** Learned counsel further contended that the total compensation awarded is also on lower side. The interest has been awarded @ 7.5% per annum on the compensation amount, whereas as per the latest pronouncements of the Hon'ble Supreme Court, interest should be awarded @ 9% per annum and he prayed that the award in hand be suitably modified.

6. However, there is no force in the contentions raised by learned counsel for the appellants that the income of deceased has been assessed on lower side. The claimants alleged that the deceased was earning Rs. 25,000/- per month. However, no cogent evidence to prove the income of the deceased was placed on record by the appellants. As such, the Tribunal rightly assessed his monthly income to be Rs. 10,533/- as per the minimum wages for an unskilled labourer for

the year when accident took place i.e., 2023. Thereafter, 40% future prospects have been added as per law laid down in 2017 (16) SCC 680 ***National Insurance Co. Ltd Vs. Pranay Sethi and Others*** as he was 29 years of age.

7. The deceased was unmarried and he has left behind his parents and as per law laid down in 2009(6) SCC 121 – **Smt. Sarla Verma and others Vs. Delhi Transport Corporation and Another,** 1/2 of the earnings have to be deducted towards personal and living expenses. Taking his age to be 29 years, multiplier of 17 has rightly been applied. Adequate compensation has also been awarded for loss of estate, funeral expenses and consortium in view of law laid down in ***Pranay Sethi's*** **case (supra)**. However, father too is entitled to compensation on account of filial consortium in view of law laid down in ***Nanu Ram's case (supra)*** and ***Satinder Kaur's case (supra)*** but Tribunal has not awarded the same and claimant No.2 is thus also held entitled to sum of Rs.44,000/- towards filial consortium.

8. The Tribunal has awarded interest @ 7.5% per annum, which in my opinion is on the lower side. Hon'ble Supreme Court in (2022) 5 SCC 107 titled '***R. Valli and others Vs. Tamil Nadu State Transport Corporation Ltd.***' has granted interest @ 9% per annum and in view of the latest law prevalent as on date, interest ought to have been granted @ 9% per annum.

9. Resultantly, the appeal in hand is partly accepted and it is held that the claimants are entitled to total compensation of Rs.16,45,381/- and the enhanced compensation comes out to Rs.44000/- (Rs.16,45,381/- -

Rs.16,01,381/-). The entire amount of compensation shall be payable along with interest @ 9% per annum from the date of filing of the claim petition i.e. 09.05.2023 till realization.

10. With the aforesaid modification, the petition is disposed of.

11. Pending misc. application (s), if any, shall also stand disposed of.

(YASHVIR SINGH RATHOR)
JUDGE

01.04.2026
Priyanka Thakur

Whether speaking/reasoned Yes/No
Whether Reportable Yes/No