



S. No.230

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.3737 of 2002 (O&M)

Date of Decision:02.07.2026

Smt. Santosh Kumari Atreja and others

.....Appellants

Vs.

Shri Satosh Kumar and others

.....Respondents

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Ashish Rawal, Advocate,
for the appellants.

Mr. Neeraj Khanna, Advocate and
Mr. Ravinder Arora, Advocate
for respondent No.3.

Yashvir Singh Rathor, J. (Oral)

1. This appeal has been instituted against the Award dated 2.4.2002 passed in MACT case No.177 of 1999 decided by the Motor Accident Claims Tribunal, Karnal (**for short “Tribunal”**) in a petition under Section 166 of Motor Vehicles Act, 1988, for enhancement of compensation vide which a sum of Rs.6,00,000 has been awarded as compensation to the claimants on account of death of Mohan Lal Atreja in a motor vehicular accident which took place due to rash and negligent driving on the part of respondent No.2 while driving the offending vehicle bearing No.HR-05G-0599 (**hereinafter referred to as ‘offending vehicle’**) alongwith interest @9% per annum from the date of award till realisation.



2. From the pleadings of parties, following issues were framed by the learned Tribunal:-

“1. Whether the accident was caused by respondent no.2 while driving the Mazda bearing no.HR-45-3055 rashly and negligently resulting into causing the death of Mohan Lal Atreja as alleged?OPP

2. If issue no.1 is proved, whether the claimants are entitled to receive the compensation amount, if so, how much and from whom? OPP

3. Whether the claim petition is not maintainable in the present form?OPR

4. Whether the claimants are estopped by their own act and conduct from filing the present petition?OPR

5. Whether the driver of the vehicle in question was not holding a valid and effective driving licence, if so, its effect?OPR3

6. Relief.

3. The parties led their respective evidence.

4. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.6,00,000/- as compensation to the claimants, on account of death of Mohan Lal Atreja, along with interest 9% per annum from the date of filing of claim petition till realization, payable by respondents jointly and severally.

5. Feeling aggrieved, the appeal in hand has been preferred. The material on file has been perused and parties have been heard.

6. The only issue required to be determined in the present appeal relates to the assessment of compensation. Therefore, the entire facts regarding the manner of the accident are not required to be reproduced in detail, as the Tribunal has already held under issue No.1 that the accident occurred due to the rash and



negligent driving on the part of respondent No.2 while driving offending vehicle and respondents No.1 to 3 have been held liable to pay compensation jointly and severally. No appeal or cross-objections have been filed by respondents, challenging the said finding and accordingly finding on issue No.1 is not required to be interfered with and the same is affirmed.

7. Learned counsel for the appellants argued that the Tribunal has not appreciated the facts of the case and evidence on file in the correct perspective while assessing the compensation which is grossly inadequate. Learned counsel contended that no future prospects have been added to the income of the deceased and since deceased was 53 years of age, 15% amount should have been added to the monthly income towards future prospects. Learned counsel contended that the Tribunal after deducting one third towards personal expenses has applied multiplier of 7, whereas multiplier of 11 ought to have been applied to the loss of dependancy. Likewise, compensation awarded under conventional heads i.e. 'loss of consortium', 'loss of estate' and 'funeral expenses' is on the lower side and same is thus liable to be enhanced suitably. In support of his contentions, learned counsel for the appellants has relied upon 2009(6) SCC 121- **Sarla Verma and others Vs. Delhi Transport Corporation and Another**, 2017 (16) SCC 680- **National Insurance Co. Ltd Vs. Pranay Sethi and Other**, 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**.



8. On the other hand, learned counsel for respondents argued that the award in question is well reasoned and justified. The material on file has been appreciated in the correct perspective while assessing the compensation and no interference in the same is thus called for.

9. As per version of claimants, deceased – Mohan Lal Atreja was 53 years of age and was employed as a Divisional Accountant in the Office of Executive Engineer, Haryana Vidyut Prasaran Nigam Ltd., now UHBVNL, Karnal and was getting a salary of Rs.11,000/- per month.

10. To prove income of the deceased, the claimants have examined Inderjit Singh, Assistant Lineman of the Office of Executive Engineer, City Division, UHBVN, Karnal as PW1 who deposed that deceased – Mohan Lal Atreja was employed as a Divisional Accountant and was getting monthly salary of Rs.10,975/- and he tendered the salary certificate Ex.P1. No evidence to prove to the contrary has been led by the respondents and accordingly, it is held that the monthly income of the deceased was Rs.10,975/-.

11. However, no future prospects have been added to the monthly income of the deceased. Deceased was 53 years of age and was in government employment and as such, 15% amount has to be added to the monthly income of the deceased towards future prospects in view of law laid down in **Pranay Sethi's case (supra)**, which takes his income to **Rs.12,621/- per month (Rs.10,975/- + Rs.1646/-)**.

12. The petition in hand has been instituted by wife and two children of the deceased. Accordingly, it is held that deceased has left behind 3 dependents and 1/3rd of the income thus has to be deducted towards personal and living



expenses. After deducting a sum of Rs.4,207/- towards personal expenses, the monthly loss of dependency comes out to **Rs.8,414/- (Rs.12,621/- - Rs.4,207/-)** and the annual loss of dependency comes out to **Rs.1,00,968/- per annum (Rs.8,414/- X 12).**

13. As per guidelines laid down in **Sarla Verma's case (supra)**, multiplier of 11 has to be applied as deceased was 53 years of age and after applying the same, the loss of dependency comes to **Rs.11,10,648/- (Rs.1,00,968/- X 11).**

14. In addition to this, claimant No.1(wife of the deceased) is held entitled to a sum of **Rs.70,000/-** under conventional heads i.e. **Rs.40,000/-** towards 'loss of consortium', **Rs.15,000/-** towards 'loss of estate' and **Rs.15,000/-** on account of 'funeral expenses', as per law laid down in **Pranay Sethi's case (supra)**. Likewise, claimants No.2 and 3 who are children of deceased are also held entitled to a sum of **Rs.40,000/- each** on account of 'loss of parental consortium', in view of law laid down in **Nanu Ram's case (supra)** and **Satinder Kaur's case (supra)**, which takes the compensation to **Rs.12,60,648/-**.

15. Accordingly, the compensation to be awarded to the appellants/claimants is assessed as under:-

S.No.	Under Head	Compensation awarded by the High Court
1.	Monthly income of deceased	Rs.10,975/- per month
2.	Age of deceased	53 years
3.	Future prospects @ 15%	Rs.1646/-
4.	Total income	Rs.12,621/-
5.	Number of dependents	3



6.	Deduction towards personal expenses of the deceased (1/3rd)	Rs.4,207/-
7.	Monthly loss of dependency	Rs.8,414/- (Rs.12,621/- - Rs.4,207/-)
7.	Annual loss of dependency	Rs.1,00,968/- (Rs.8,414/- X 12)
8.	Multiplier	11
9.	Compensation on account of Loss of dependency	Rs.11,10,648/-
10.	Compensation under conventional heads	Rs.70,000/-
11.	Consortium to children of deceased	Rs.80,000/- (Rs.40,000/0 X 2) Rs.40,000/- each
	Total Compensation	Rs.12,60,648/-
	Interest	9%

16. Resultantly, the appeal in hand is partly accepted with costs and appellants/claimants No.1 to 3 are held entitled to a sum of **Rs.12,60,648/-** as compensation. The enhanced compensation thus comes out to **Rs.6,60,648/-** (**Rs.12,60,648/- - Rs.6,00,000/-**) (**Rounded to Rs.6,61,000/-**) over and above the compensation awarded by the Tribunal payable alongwith interest at the rate of 9% per annum from the date of filing of claim petition i.e. 8.12.1999, till realization payable by respondents No.1 to 3, jointly and severally. Out of the enhanced compensation, a sum of Rs.1,00,000/- each be paid to the children of the deceased and the remaining amount be paid to wife of the deceased along with proportionate interest.

17. Registry is directed to email the authenticated copy of the award to the respondent Insurance Company in terms of directions issued by the Hon'ble



Supreme Court in Writ Petition (Civil) No.534 of 2020 titled *Bajaj Allianz General Insurance Company Versus Union of India and others*, decided on 16.03.2021 and Insurance Company shall comply with the directions as issued under Clause (F) of the said judgment.

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

(Yashvir Singh Rathor)
Judge

July 2, 2026
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No