



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

295

FAO-2665-2021

Date of decision : 29.04.2026

Monika and another**..... Appellants****versus****Rajesh Kumar and others****..... Respondents****CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN**

Present: Ms. Preeti Sharma, Advocate for
Mr. Namit Khurana, Advocate
for the appellants.

Mr. Bharat, Advocate and
Mr. Abhimanyu Kalsy, Advocate
for respondent No.3 (through V.C.).

PANKAJ JAIN, J. (Oral)

1. Claimants are in appeal seeking enhancement of compensation. While calculating compensation, Tribunal observed as under:-

“7. From the record brought on the file, it would be just and proper to assume the monthly income of the deceased as Rs.20,000/-. As per PMR Ex.P2, the deceased was aged about 36 years at the time of accident. Keeping in view the age of the deceased, he would have got 50% increase in his total income over the period of time had he not died in the accident in question. The total monthly income of the deceased after 50% increase comes to **Rs.30,000/- (Rs.20000+50% of Rs.20000/-)**. The annual income of the deceased comes to **Rs.3.60,000/-**. The income tax upto Rs.2.50,000/- was nil and income tax (5%) on remaining amount of Rs. 1,10,000/- comes to **Rs.5500/-**. The income tax after adding 3% education tax comes to **Rs.5665/-**, The net annual income after deduction of tax comes to **Rs.3,54,335/-** Keeping in view the number of dependents, he would have spent 1/3 upon



himself. After deducting 1/3 towards personal expenses, his monthly dependency comes to **Rs.2,36,223/-**. Keeping in view the age of the deceased, after applying multiplier of '15', the just compensation comes to **Rs.35,43,345/- (Rs.2,36,223/- x 15)**. Besides this, petitioners shall be entitled to **Rs.15,000/-** towards funeral expenses and petitioner No.1 being widow of deceased is also entitled to **Rs.40000/-** towards loss of spousal consortium. Recently Hon'ble Supreme Court in **2018 (4) RCR (Civil) 333 Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others,** awarded compensation on account of loss of parental and filial consortium. As such, claimant No.2 being daughter of deceased is also entitled to a sum of **Rs.40,000/-** towards parental consortium and claimant No.3 being mother of deceased is also entitled to **Rs.40,000/-** on account of loss of filial consortium. Hence, the petitioners are entitled to total compensation amount of **Rs.36,78,345/- (Rs. Thirty Six Lakh Seventy Eight Thousand Three Hundred and Forty Five only)**. This my calculation is in terms of law laid down by the Hon'ble Apex Court in case reported as **National Insurance Company Limited vs. Pranay Sethi and Ors. SPECIAL LEAVE PETITION (CIVIL) No. 25590 of 2014 (SC).** This issue is decided accordingly in favour of petitioners.”

2. Since the Tribunal has already awarded compensation in accordance with the ratio of law laid down in '***National Insurance Company Limited vs. Pranay Sethi and others***', (2017) 16 SCC 680 and '***Smt. Sarla Verma & others vs. Delhi Transport Corporation & another***' (2009) 6 SCC 121 and ***Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., Civil Appeal No.9581 of 2018 arising out of SLP (Civil) No.3192 of 2018 decided on 18.09.2018***, the only enhancement that can be awarded is Rs.15,000/- on account of loss of estate.



3. With the aforesaid modification in the impugned award, the present appeal is disposed off.

(PANKAJ JAIN)
JUDGE

29.04.2026
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No