



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

104

FAO-197-1999 (O&M)
Date of Decision:-17.03.2026

Smt. Raj Kumari (since deceased through LRs)

.....Appellants

Versus

State of Haryana and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Dhruv Singh & Ms. Tejaswini, Advocates,
for the Lrs of the appellant.

Mr. Arjit Kumar Sharma,D.A.G., Haryana
for the respondents No.1 and 2.

AMARINDER SINGH GREWAL, J.

1. The present appeal has been filed by the appellant–claimant/petitioner No.2 seeking enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Hisar (hereinafter referred to as “*the Tribunal*”), vide Award dated 24.08.1998, whereby a sum of ₹75,000/- was granted on account of the death of her son, Seetu @ Bhim Sain who died in the motor vehicular accident dated 06.11.1996 due to rash and negligent driving of respondent No.3.

2. Learned counsel appearing for the legal representatives of the appellant contends that the Award dated 24.08.1998 passed by the learned Tribunal, insofar as it grants grossly inadequate compensation to the



appellant, is contrary to law as well as the facts and evidence on record. It is submitted that the deceased was a young boy aged about 22 years who, was earning approximately ₹3,000/- to ₹4,000/- per month from his business of selling fruits and vegetables and the appellant was fully dependent upon him for her subsistence and livelihood, therefore, in terms of Section 163-A of the Motor Vehicles Act and the Second Schedule appended thereto, the appellant was entitled to compensation of at least about ₹4,50,000/- on account of the death of her son. It is further contended that the learned Tribunal has grossly erred in deciding Issue No.3 on the basis of assumptions and presumptions in utter disregard of the evidence available on record and has wrongly applied the multiplier by taking into consideration the age of the appellant instead of the age of the deceased, who was much younger.

2.1 Furthermore, it is submitted that on account of such erroneous approach, the compensation awarded to the appellant has become highly inadequate and deserves suitable enhancement by this Court. Additionally, it is argued that the rate of interest awarded by the learned Tribunal is on the lower side considering the inflation and rising prices of essential commodities and, in line with several decisions of this Court, interest at the rate of 18% per annum would be just and appropriate. Lastly, it is contended that the impugned Award of the learned Tribunal insofar as it grants inadequate compensation to the appellant, has resulted in miscarriage of justice and serious prejudice to the appellant and, therefore, the appeal deserves to be allowed by enhancing the compensation to at least ₹5,00,000/- along with interest at the rate of 18% per annum as prayed for in the claim petition.



3. *Per contra*, learned counsel for the respondent Nos.1 and 2 submits that the Award passed by the learned Tribunal does not suffer from any irregularity or infirmity, and that the findings recorded therein are well-reasoned on the basis of the material available before the learned Tribunal. It is accordingly contended that no ground is made out for interference in appeal.

4. I have heard learned counsel for the parties and examined the record, with their able assistance.

5. Keeping in view the nature of work of the deceased, and the fact that the accident pertains to the year 1996, this Court deems it fit to assess the notional income of the deceased to be ₹3,000/- per month. Since, the deceased was 22 years of age at the time of the accident and therefore, 40% increase towards future prospects is required to be made in view of the judgment passed by the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi 2017 (16) SCC 680***, while making a deduction of ½ towards personal expenses and adopting a multiplier of 18 as suitable to the age of the deceased, the annual dependency comes to ₹4,53,600./-. [$₹3,000/- \times 12 + ₹14,400 (40\%) / \frac{1}{2} = ₹25,200/- \times 18 = ₹4,53,600/-$]

6. In addition thereto, the claimant is entitled to ₹18,150/- each payable towards loss of estate and funeral expenses and ₹48,400/- towards loss of love and affection/consortium [escalation @10% every three years as per the law laid down by the Hon'ble Supreme Court in ***Pranay Sethi's case (supra)***]. Consequently, the total compensation payable to the appellant is reassessed at ₹5,38,300/-. ($₹4,53,600/- + ₹18,150/- + ₹18,150 + ₹48,400/-$)



7. The enhanced compensation, i.e. over and above the compensation awarded by the learned Tribunal, which comes to ₹5,38,300/- – ₹75,000/- = ₹4,63,300/-, shall also carry interest @ 7.5% per annum from the date of filing of the claim petition till its realization, payable by the respondents jointly and severally to the appellant-claimant.
8. In view of the aforesaid facts and circumstances, the Award passed by the learned Tribunal is modified and the present appeal is allowed to the above extent.
9. Pending application(s), if any, shall also stand disposed of.

(AMARINDER SINGH GREWAL)
JUDGE

March 17, 2026
nitin/ss

Whether speaking/reasoned:-	Yes
Whether Reportable:-	No