



RA-CR No.35 of 2026 (O&M) in FAO No.3924 of 2023

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

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**RA-CR No.35 of 2026 (O&M) in  
FAO No.3924 of 2023  
Date of Decision:07.04.2026**

**BHATERI AND ANR**

**.....Applicants-appellants**

**Vs**

**SHRI BHAGWAN AND ORS.**

**....Respondents**

**CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. Diwan S. Adlakha, Advocate  
for applicant/respondent No.3.

Mr. Vishal Yadav, Advocate  
for non-applicants/appellants.

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**HARKESH MANUJA, J. (Oral)**

The present review application is filed under Order 47 Rule 1 read with Section 114 of Civil Procedure Code, 1908 seeking review of the judgment dated 04.02.2026 passed by this Court in FAO No. 3924-2023.

2. Learned counsel for the applicant submits that while enhancing the compensation, this Court reduced the deduction towards personal and living expenses of the deceased from 50% to 1/3<sup>rd</sup> primarily on the premise that the father of the deceased was aged about 67 years and, therefore, dependent upon the deceased. It is contended that the said finding regarding age is factually incorrect and contrary to the material available on record, which clearly establishes that the father was approximately 52 years of age at the relevant time.

3. Having heard learned counsel for the parties and perused the record, this Court finds merit in the present review application to a limited extent.



4. It is well settled that in the case of a bachelor, deduction towards personal and living expenses is ordinarily taken as 50%, as held in **“Sarla Verma vs. Delhi Transport Corporation”, 2009 (6) SCC 121**. However, the said principle is not inflexible and admits of exceptions depending upon the facts and circumstances of each case. Relevant extract is reproduced hereunder:-

*“But, such percentage of deduction is not an inflexible rule and offers merely a guideline. In Susamma Thomas, it was observed that in the absence of evidence, it is not unusual to deduct one-third of the gross income towards the personal living expenses of the deceased and treat the balance as the amount likely to have been spent on the members of the family/dependants. In **UPSRTC v. Trilok Chandra [1996(4) SCC 362]**, this Court held that if the number of dependents in the family of the deceased was large, in the absence of specific evidence in regard to contribution to the family, the Court may adopt the unit method for arriving at the contribution of the deceased to his family. By this method, two units is allotted to each adult and one unit is allotted to each minor, and total number of units are determined. Then the income is divided by the total number of units. The quotient is multiplied by two to arrive at the personal living expenses of the deceased. This Court gave the following illustration :*

*"X, male, aged about 35 years, dies in an accident. He leaves behind his widow and 3 minor children. His monthly income was Rs. 3500. First, deduct the amount spent on X every month. The rough and ready method hitherto adopted where no definite evidence was forthcoming, was to break up the family into units, taking two units for an adult and one unit for a minor. Thus X and his wife make 2+2=4 units and each minor one unit i.e. 3 units in all, totaling 7 units. Thus the share per unit works out to Rs. 3500/7 = Rs. 500 per month. It can thus be assumed that Rs. 1000 was spent on X. Since he was a working member some provision for his transport and out-of-pocket expenses has to be estimated. In the present case we estimate the out-of-pocket expense at Rs. 250. Thus the amount spent on the deceased X works out to Rs. 1250 per month per month leaving a balance of Rs. 3500-1250= Rs. 2250 per month. This amount can be taken as the monthly loss of X's dependents."*



*In Fakeerappa v. Karnataka Cement Pipe Factory, 2004(2) RCR (Civil) 619 : 2004(2) SCC 473, while considering the appropriateness of 50% deduction towards personal and living expenses of the deceased made by the High Court, this Court observed :*

*"What would be the percentage of deduction for personal expenditure cannot be governed by any rigid rule or formula of universal application. It would depend upon circumstances of each case. The deceased undisputedly was a bachelor. Stand of the insurer is that after marriage, the contribution to the parents would have been lesser and, therefore, taking an overall view the Tribunal and the High Court were justified in fixing the deduction."*

5. In the present case, it is not in dispute that the deceased was unmarried and was the only child of the appellants/claimants. The dependency of the parents, particularly when the deceased was their sole source of support, cannot be ignored. At the same time, the standard rule of 50% deduction in the case of a bachelor cannot be completely discarded.

5.1 In these peculiar facts, this Court is of the considered view that ends of justice would be adequately met by adopting a balanced approach. Therefore, in view of the aforesaid and having regard to the contemporary social realities, and the dependent status of the aged parents, a just, fair, and reasonable deduction towards personal and living expenses of the deceased is assessed at 40% of his income.

6. Accordingly, the compensation is reassessed as under:-

| S.No. | Nature                                     | Amount (in Rs.) |
|-------|--------------------------------------------|-----------------|
| 1.    | Annual Income of Deceased                  | 1,13,496/-      |
| 2.    | Deduction (40%)                            | 45,398.4/-      |
| 3.    | Total Income (Rs. 1,13,496 - Rs. 45,398.4) | 68,097.6/-      |
| 4.    | Future Prospects (40%)                     | 27,239.04/-     |
| 5.    | Net Income (Rs. 68,097.6 + Rs. 27,239.04)  | 95,336.64/-     |



|    |                                                                                       |                |
|----|---------------------------------------------------------------------------------------|----------------|
| 6. | Loss of Income after applying multiplier of 18 as per age of 19years (95,336.64 x 18) | 17,16,059.52/- |
| 7. | Funeral Expenses                                                                      | 18,000/-       |
| 8. | Loss of Estate                                                                        | 18,000/-       |
| 9. | Loss of Consortium (Rs. 48,000 x 2)                                                   | 96,000/-       |
|    | Total Compensation                                                                    | 18,48,059.52/- |
|    | Amount Awarded by the Tribunal                                                        | 14,84,920/-    |
|    | Enhanced compensation                                                                 | 3,63,139.52/-  |

7. Resultantly, the present review application is allowed to the aforesaid limited extent. The judgment dated 04.02.2026 passed by this Court in FAO No. 3924-2023 stands modified to the extent indicated hereinabove.

8. The amount of compensation, as re-assessed, shall carry interest at the same rate i.e. 9% p.a. from the date of original judgment. The liability to pay the enhanced compensation shall remain joint and several upon the respondents, in terms of the award passed by the learned Tribunal.

All other findings and directions contained in the judgment dated 04.02.2026 shall remain unaltered.

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

April 07, 2026  
Atik

(HARKESH MANUJA)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes/No  
Yes/No