



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

FAO-2267-2001 (O&M)

Date of Decision: 01.04.2026

NARAIN DEVI AND ANOTHER

....Appellants

Versus

DES RAJ AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ashok Kumar Khubbar, Advocate
Mr. Shivam Singh Chauhan, Advocate
for the appellants.

Mr. Suvir Dewan, Advocate
for the respondent/Insurance Company.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the appellants-claimants being the parents and sister of the deceased Ajay Kumar (hereinafter referred to as the '**deceased**'), who died in motor vehicular accident which took place on 17.09.1997, on account of rash and negligent driving by respondent No.1 while driving truck bearing registration No. HR-06-8995.

2. Being aggrieved by the impugned award dated 04.10.2000, passed by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as '**Tribunal**'), vide which the appellants-claimants were found entitled to total compensation of Rs.2,00,000/-, the appellants-claimants are seeking enhancement of compensation awarded by the Tribunal as the same is not accordance with their entitlement.

3. Since in present appeal the only issue raised by appellants-claimants is as regards to quantum of compensation and there is no appeal or

cross-objection preferred by respondents to challenge manner of accident, the detailed facts as regards to manner of accident are not being noticed for the sake of brevity.

4. The Tribunal in the present case has awarded the following compensation :-

Income	Rs.2,550/- per month
Deduction	1/3 rd (2,250 - 850)
Multiplier	10
Total loss of dependency	Rs.1,92,000/- (Rs.1600 x 12 x 10)
Last rites	Rs.8,000/-
Total compensation awarded	Rs.2,00,000/-

5. Learned Counsel for the appellants-claimants has not challenged the income as assessed by the learned Tribunal however, asserted that no addition has been made towards future prospects which need to be added to the extent of 50% in terms of judgment of Hon’ble Supreme Court in **National Insurance Company Ltd. Vs Pranay Sethi & Ors**, 2017 (16) SCC 680. Since the age of the deceased was 23 years at the time of accident multiplier of ‘18’ ought to have been applied as per the case in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, 2009 (6) SCC 121. That appropriate amount of compensation amount needs to be granted under the head funeral expenses, loss of estate and loss of filial consortium in accordance with law laid down by Hon’ble Supreme Court.

6. The learned Tribunal has taken the income of the deceased as

Rs.2,550/- per month as per evidence produced on record by way of statement of employer of the deceased Pawan Kumar who appeared as PW6. Learned counsel for appellants-claimants has fairly admitted income so determined and is satisfied with the income taken by learned Tribunal. Since income of deceased is not in dispute, the same is maintained. Deceased was aged about 23 years at the time of accident as per the post mortem report and accordingly multiplier of ‘18’ would be applicable while determining loss of dependency. Similarly, as deceased was bachelor and had parents and sister as dependents, therefore, 50% towards personal expenses needs to be deducted. 40% future prospects are also required to be added in view of judgment of Hon’ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi & Ors., (Supra)**. Appellants/claimants shall also be entitled to compensation for loss of filial consortium @ Rs.15,000/- payable to appellants-claimants No.1 and 2 i.e. parents, Rs.7,500/- towards funeral expenses and Rs.7,500/- towards loss of estate.

7. Accordingly, reworked compensation payable to appellants/claimants is as under :-

Income	Rs. 2,550/- per month	Rs 2,550/- per month
Future Prospects	40% (2550 + 1020)	Rs.3,570/-
Deduction	50% (3570 – 1785)	Rs.1,785/-
Multiplier	18	18
Total loss of dependency	Rs.1,785 x 12 x 18	Rs.3,85,560/-
Loss of Estate		Rs. 7,500/-
Funeral Expenses		Rs. 7,500/-
Loss of filial consortium to claimant Nos.1 & 2	Rs.15,000/- x 2	Rs. 30,000/-
Total Compensation awarded in appeal		Rs.4,30,560/-
Total Compensation awarded by the Tribunal	Rs.2,00,000/-	

Enhanced amount of compensation	Rs.4,30,560/- (awarded in appeal) – Rs.2,00,000/- (awarded by the Tribunal)	Rs.2,30,560/-
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8. Appellants/claimants shall be entitled to enhanced compensation along with 7.5% interest from the date of filing of claim petition till realization of entire amount. Apportionment and liability to pay compensation shall be as per award.
9. Appeal is accordingly allowed in above terms.
10. Pending application(s), if any, is/are disposed of accordingly.

01.04.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No