

2015:PHHC:091096



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

FAO-2433-2001 (O&M)
Date of Decision: 12.03.2026

UMA RANI AND OTHERS

....Appellants

Versus

SURAJ BHAN AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Girish Rawat, Advocate
for the appellants through VC.

Mr. Imran Ahmad Ali, Advocate
Mr. Jasreet Singh Malik, Advocate
for the respondent No.3.

Parmod Goyal, J. (Oral)

Claimants-appellants have preferred the present appeal being the wife and three sons of the deceased, Tota Ram (hereinafter referred to as the “Deceased”), who died in a road accident which took place on 21.02.2000, on account of rash and negligent driving by respondent No.1 while driving mini bus eicher bearing registration No.HR-37-3038.

2. Being aggrieved by the impugned award dated 04.10.2000 passed by the Motor Accident Claims Tribunal, Jagadhari (hereinafter referred to as “Tribunal”), vide which the appellants-claimants were found entitled to total compensation of Rs.1,49,500/-. The appellants-claimants are seeking enhancement of compensation awarded by the Tribunal as the same is not according to their entitlement.

3. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal are not being adverted herein for sake of brevity.

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

Monthly Income	Rs.40,500/- per annum
Deduction	1/3 rd
Multiplier	5
Funeral charges, loss of consortium	Rs.9,500/-
Expenses incurred on account of treatment of the deceased	Rs.5,000/-
Total Compensation awarded	Rs.1,49,500/-

5. Learned counsel for appellants-claimants have sought enhancement of compensation on following grounds that :-

- Future prospects were not added while determining loss of dependency. Future prospects to the extent 15% of monthly income needs to be added as the deceased was 60 years of age at the time of accident.
- Deduction of 1/3rd towards personal expenses of deceased was wrongly taken whereas deduction of 1/4th ought to be applied to calculate loss of dependency of the deceased.
- Multiplier applied by learned Tribunal is ‘5’ whereas, keeping in view the age of deceased as 60 years at the time of accident the multiplier of ‘9’ ought to have been granted.
- Appropriate amount of compensation amount needs to be granted under the head funeral expenses, loss of estate and loss of spousal and parental consortium in accordance with law laid down by Hon’ble Supreme Court.

6. Learned Tribunal has assessed the income of the deceased to be Rs.40,500/- per annum as was pleaded by appellants-claimants which comes to Rs.3,375/- per month. There is no dispute about income taken by the learned Tribunal raised by appellants-claimants as claim regarding income was accepted. Admittedly, as per claim petition deceased was aged 60 years at the time of accident and is survived by his wife, three sons i.e claimants-appellants No.1 to 4.
7. In the present case, learned Tribunal has erred in applying multiplier of ‘5’ after making deduction of 1/3rd towards personal expenses. I find that learned Tribunal has failed to take into consideration future prospects while calculating loss of dependency. Claimants/appellants are entitled to future prospects to the extent of 10% in terms of judgment of Hon’ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.**, 2017 (16) SCC 680. Since the deceased is survived by four dependants deduction of 1/4th amount of income needs to be deducted towards personal expenses of deceased. Keeping in view age of the deceased as 60 years the multiplier of ‘9’ would be applicable. Claimants-appellants shall also be entitled to compensation of Rs. 7,500/- each towards funeral expenses and loss of estate and Rs. 15,000/- to each of the claimants-appellants towards loss of spousal and parental consortium.
8. Accordingly, the reworked compensation payable to appellants/claimants is as under :-

Income	Rs.40,500/- per annum	Rs.40,500/- per annum
Future Prospects	10% (40500+4050)	Rs.44,550/-
Deduction	1/4 th (44550-11138)	Rs.33,412/-
Multiplier	9	9

Total loss of dependency	Rs.33,412 x 9	Rs.3,00,708/-
Loss of Estate		Rs.7,500/-
Funeral Expenses		Rs.7,500/-
Loss of Spousal Consortium to claimant No. 1		Rs.15,000/-
Loss of Parental consortium to claimant nos. 2,3& 4	Rs.15,000/- x 3	Rs.45,000/-
Total Compensation awarded in appeal		Rs.3,75,708/-
Total Compensation awarded by the Tribunal	Rs.1,49,500/-	
Enhanced amount of compensation	Rs.3,75,708/- (as awarded in appeal) – Rs.1,49,500/- (as awarded by the Tribunal)	Rs.2,26,208/-

9. Claimants-appellants shall also be entitled to interest @ 7.5% on the enhanced compensation from the date of filing of claim petition till realization. Apportionment and liability of respondents to pay compensation shall be as per the award.
10. Present appeal is accordingly allowed in above terms.
11. Pending application(s), if any, is/are disposed of accordingly.

12.03.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No