S. No.209

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO No.3806 of 2001 (O&M)
Date of Decision:1.4.2026

Santosh Sood and others .....**Appellants**

Vs.

State of Haryana and others .....**Respondents**

CORAM:- HON'BLE MR. JUSTICE YASHVIR SINGH RATHOR

Present:- Mr. Lovejeet Poonia, Amicus Curiae,
for the appellants.
Mr. Praveen Kumar, DAG, Haryana.

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Yashvir Singh Rathor, J. (Oral)

1. As requested, the matter is taken up after lunch break.

2. This appeal has been instituted against the Award dated 16.7.2001 for enhancement of compensation awarded in MACT case No.177 of 1999 decided by the Motor Accident Claims Tribunal, Chandigarh (**for short "Tribunal"**) in a petition under Section 166 of Motor Vehicles Act, 1988, vide which a sum of Rs.2,77,200 has been awarded as compensation to the claimants on account of death of Krishanjit Sood in a motor vehicular accident which allegedly took place due to rash and negligent driving on the part of respondent No.2 while driving the offending vehicle bearing No.HR-03-7939 (**hereinafter referred to as 'offending vehicle'**) alongwith interest @9% per annum from the date of award till the date of realisation.

3. From the pleadings of parties, following issues were framed by the learned Tribunal:-

> *"i) Whether the respondent No.2 while driving bus No.HR-03-7939 rashly and negligently caused accident on 17.1.1999 resulting into the death of Krishanjit Sood?OPA.*
>
> *ii) To what amount of compensation, applicants are entitled, if so, from whom?OPA*
>
> *iii) Whether claim application is bad for non-joinder of necessary parties and misjoinder of parties?OPR.*
>
> *iv) Relief.*

4. The parties led their respective evidence.

5. After hearing the parties and going through the material on the file, learned Tribunal awarded a sum of Rs.2,77,200/- as compensation to the claimants No.1 and 2, on account of death of Krishanjit Sood along with interest 9% per annum from the date of filing of claim petition till realization, payable by respondents jointly and severally.

6. Feeling aggrieved, the appeal in hand has been preferred. The material on file has been perused and parties have been heard.

7. The only issue required to be determined in the present appeal relates to the assessment of compensation. Therefore, the entire facts regarding the manner of the accident are not required to be reproduced in detail, as the Tribunal has already held under issue No.1 that the accident occurred due to the rash and negligent driving on the part of respondent No.2 while driving offending vehicle and respondents No.1 and 2 have been held liable to pay compensation jointly

and severally. No appeal or cross-objections have been filed by respondents, challenging the said finding and accordingly finding on issue No.1 is not required to be interfered with and the same is affirmed.

8. Learned counsel for the appellants argued that the Tribunal has not appreciated the facts of the case and evidence on file in the correct perspective while assessing the compensation which is grossly inadequate. Learned counsel contended that income of the deceased has been assessed on lower side. No future prospects have been added to the income of the deceased and since deceased was 59 years of age and was a pensioner, 15% future prospects should have been added to the monthly income. Learned counsel contended that the Tribunal after deducting one third towards personal expenses has applied mutliplier of 7, whereas multiplier of 9 ought to have been applied to the loss of dependancy. Learned counsel next contended that no compensation has been awarded for loss of consortium, loss of estate and funeral expenses and the compensation is thus liable to be enhanced suitably. In support of his contentions, learned counsel for the appellants has relied upon 2009(6) SCC 121- **Sarla Verma and others Vs. Delhi Transport Corporation and Another**, 2017 (16) SCC 680-**National Insurance Co. Ltd Vs. Pranay Sethi and Other**, 2018 (4) R.C.R. (Civil) 333 **Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & Others** and (2021) 11 SCC 780 **United India Insurance Co. Ltd. Vs. Satinder Kaur.**

9. On the other hand, learned counsel for respondents argued that the award in question is well reasoned and justified. The material on file has been appreciated in the correct perspective while assessing the compensation and no interference in the same is thus called for.

10. As per version of claimants, deceased had retired as Superintendent from the Office of Director of Public Instructions, Punjab and thereafter, he was serving with one property dealer namely Mr. Gupta at Chandigarh and was getting Rs.4,500/- per month as salary besides Rs.5,000/- per month as pension. In all, his monthly income was Rs.9,500/-.

11. To prove this fact, claimants have examined PW3 Somesh Gupta, who deposed that deceased Krishanjit Sood was working with him as a Manager and he was paying him Rs.4,500/- per month and he has led in evidence certificate Ex.P4 in this regard. However, the said certificate was not relied upon by the Tribunal as no cogent and convincing evidence was led to establish that deceased was working as a Manager with PW3. No record was produced by PW3 to show the payment of salary to the deceased and certificate Ex.P4 even did not bear any date. As such, from the evidence led on file, the income of deceased was held to be Rs.5,000/- per month and certificate was thus rightly discarded. Accordingly, income of the deceased is taken as **Rs.5,000/- per month**.

12. However no future prospects have been added to the monthly income of the deceased. Deceased was 59 years of age and was a pensioner and as such, 15% amount has to be added to the monthly income of the deceased towards

future prospects in view of law laid down in **Pranay Sethi's case (supra)**, which takes his income to **Rs.5,750/- per month (Rs.5,000/- + Rs.750/-).**

13. The petition in hand has been instituted by wife and son of the deceased. Accordingly, it is held that deceased has left behind 2 dependents and 1/3rd of the income thus has to be deducted towards personal and living expenses. After deducting a sum of Rs.1917 towards personal expenses, the monthly loss of dependency comes out to **Rs.3,833/- (Rs.5,750/- - Rs.1,917/-)** and the annual loss of dependency comes out to **Rs.45,996/- per annum (Rs.3,833/- X 12)**.

14. As per guidelines laid down in **Sarla Verma's case (supra)**, multiplier of 9 has to be applied as deceased was 59 years of age and after applying the same, the compensation comes to **Rs.4,13,964/- (Rs.45,996/- X 9)**.

15. In addition to this, claimant No.1(wife of the deceased) is held entitled to a sum of **Rs.70,000/-** under conventional heads i.e. **Rs.40,000/-** towards '**loss of consortium**', **Rs.15,000/-** towards '**loss of estate**' and **Rs.15,000/-** on account of '**funeral expenses**', as per law laid down in **Pranay Sethi's case (supra)**. Likewise, claimant No.2 who is son of deceased is also held entitled to a sum of **Rs.40,000/-** on account of '**loss of parental consortium**', in view of law laid down in **Nanu Ram's case (supra)** and **Satinder Kaur's case (supra)**, which takes the compensation to **Rs.5,23,964/-.**

16. Accordingly, the compensation to be awarded to the appellants/claimants is assessed as under:-

S.No.	Under Head	Compensation awarded by the High Court

1.	Monthly income of deceased	Rs.5,000/- per month
2.	Age of deceased	59 years
3.	Future prospects @ 15%	Rs.750/-
4.	Total income	Rs.5,750/-
5.	Number of dependents	2
6.	Deduction towards personal expenses of the deceased (1/3rd)	Rs.1917/-
7.	Monthly loss of dependency	Rs.3,833/- (Rs.5,750/- - 1,917/-)
7.	Annual loss of dependency	Rs.45,996/- (Rs.3833/- X 12)
8.	Multiplier	9
9.	Compensation on account of Loss of dependency	Rs.4,13,964/-
10.	Compensation under conventional heads	Rs.70,000/-
11.	Consortium to son of deceased	Rs.40,000/-
	Total Compensation	**Rs.5,23,964/-**
	Interest	**9%**

17. Resultantly, the appeal in hand is partly accepted with costs and appellants/claimants No.1 and 2 are held entitled to a sum of **Rs.5,23,964/-** as compensation. The enhanced compensation thus comes out to **Rs.2,46,764/-** (**Rs.5,23,964/-** - **Rs.2,77,200/-**) **(Rounded to Rs.2,47,000/-)** over and above the compensation awarded by the Tribunal payable alongwith interest at the rate of 9% per annum from the date of filing of claim petition i.e. 21.8.1999, till realization payable by respondents No.1 and 2, jointly and severally. Out of the

enhanced compensation, a sum of Rs.2,00,000/- be paid to the wife and Rs.47,000/- be paid to son of the deceased along with proportionate interest.

18. Registry is directed to email the authenticated copy of the award to the respondent Insurance Company in terms of directions issued by the Hon'ble Supreme Court in Writ Petition (Civil) No.534 of 2020 titled ***Bajaj Allianz General Insurance Company Versus Union of India and others***, decided on 16.03.2021 and Insurance Company shall comply with the directions as issued under Clause (F) of the said judgment.

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

(Yashvir Singh Rathor)
Judge

April 1, 2026
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Whether Speaking/reasoned	Yes/No
Whether Reportable	Yes/No