IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-1575-2002
Date of decision: 27.04.2026

Sunita and others

. . . . Appellants

Vs.

Baldev Kumar and others

. . . . Respondents

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CORAM: HON'BLE MR JUSTICE DEEPAK GUPTA

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Present: - Mr. Jagdeep S. Virk, Advocate, for the appellants.

Mr. Ashutosh Gupta, Advocate, and
Mr. Yogesh Bains, Advocate, for respondent No.1.

Mr. Neeraj Khanna, Advocate,
for respondent No.3-Insurance Company.

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<u>DEEPAK GUPTA, J.</u>

Power of attorney on behalf of respondent No.1 has been filed. Mr. Neeraj Khanna, Advocate also appeared on behalf of respondent No.3-Insurance Company.

2. Although notice of motion issued to respondent No.2/driver has not been received back served or unserved but it is pointed out by learned counsel that joint and several liability of the respondents was held and therefore, notice to respondent No.2 is hereby dispensed with.

<u>On merits</u>

3. The present appeal has been filed by the claimants seeking enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal.

4. The factual matrix, as emerges from the record, is that on 14.04.1999, Bhagwan Dass lost his life in a motor vehicular accident caused due to rash and negligent driving of truck bearing registration No. JK-01C-2825. The offending truck

collided with a bus bearing No. DL-1P-120, which was being driven by the deceased at a moderate speed on the correct side of the road. The widow and three minor children of the deceased instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation from the driver, owner, and insurer of the offending vehicle. The claim petition was contested only by the Insurance Company, whereas the driver and owner were proceeded against ex parte.

5. The learned Tribunal, upon appreciation of the evidence, returned a categorical finding that the accident occurred due to rash and negligent driving of the offending truck. The said finding has attained finality and is not under challenge in the present appeal.

6. The Tribunal assessed the compensation at ₹5,04,000/- and held all the respondents jointly and severally liable to pay the same along with interest.

7. Learned counsel for the appellants has assailed the quantum of compensation primarily on the grounds that (i) no addition has been made towards future prospects; (ii) an incorrect multiplier of 16 has been applied despite the deceased being 29 years of age; and (iii) no amount has been awarded under the head of consortium to the claimants. Reliance has been placed upon the judgments of the Hon'ble Supreme Court in ***Smt. Sarla Verma and others v. Delhi Transport Corporation and another***, ***2009 (6) SCC 121; National Insurance Company Limited v. Pranay Sethi and others, 2017 AIR SC 5157*** and **Magma General Insurance Co. Ltd. v. Nanu Ram @ Chuhru Ram and others*, AIRONLINE 2018 SC 1249.***

8. Learned counsel for the Insurance Company fairly concedes that in view of the settled legal position as laid down in the aforesaid judgments, the compensation deserves to be suitably enhanced.

9. Having heard learned counsel for the parties and perused the record, this Court finds that the Tribunal has assessed the monthly income of the deceased at ₹3,500/-, which translates to an annual income of ₹42,000/-. The said assessment is based on evidence on record and does not warrant interference.

10. However, the Tribunal has erred in not adding any amount towards future prospects. Since the deceased was 29 years of age at the time of the accident, an addition of 40% towards future prospects is warranted in terms of the

law laid down in ***Pranay Sethi (supra).*** Accordingly, the annual income is enhanced to ₹58,800/-.

11. There being four dependents, deduction of one-fourth towards personal and living expenses is appropriate, bringing the annual loss of dependency to ₹44,100/-.

12. Further, as per the age of the deceased (29 years), the appropriate multiplier applicable would be 17 in terms of the principles laid down in ***Sarla Verma (supra).*** Thus, the total loss of dependency is assessed at ₹7,49,700/-.

13. In addition to the loss of dependency, the claimants are entitled to compensation under conventional heads. In view of the law laid down in ***Magma General Insurance (supra),*** all the claimants are entitled to consortium. Since the accident pertains to the year 1999, a sum of ₹20,000/- each is awarded towards spousal and parental consortium, totaling ₹80,000/-. Further, ₹10,000/- each is awarded towards funeral expenses and loss of estate.

14. Accordingly, the total compensation is computed as under:

- Loss of dependency : ₹7,49,700/-
- Consortium (₹20,000 × 4) : ₹80,000/-
- Funeral expenses : ₹10,000/-
- Loss of estate : ₹10,000/-
- Total : ₹8,49,700/-,

Rounded off to ₹8,50,000/-.

15. After deducting the amount of ₹5,04,000/- already awarded by the Tribunal, the enhanced compensation payable to the claimants comes to ₹3,46,000/-.

16. Consequently, the present appeal is partly allowed. The appellants–claimants are held entitled to enhanced compensation of ₹3,46,000/- over and above the amount awarded by the Tribunal.

17. All the respondents shall remain jointly and severally liable to pay the enhanced compensation along with interest @ 7.5% per annum from the date of filing of the claim petition till realization.

18. The enhanced compensation shall be shared equally amongst the four claimants. The appeal stands disposed of accordingly.

(DEEPAK GUPTA)
JUDGE

27.04.2026
Vivek

Whether Speaking/reasoned	*Yes*
Whether reportable	*No*