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

FAO-1477-2005 WITH
FAO-3305-2005
Date of Decision: 29.01.2026

<u>FAO-1477-2005</u>

DHANPATI AND ANR.

....Appellants

Versus

SULTAN SINGH AND ORS.

...Respondents

<u>FAO-3305-2005</u>

MADHU BALA AND ANR.

....Appellants

Versus

SULTAN SINGH AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. B.S. Mamli, Advocate
for the appellants.

Ms. Manu Loona, Advocate
Mr. Gopal Mittal, Advocate
for respondent No.3/Insurance Company.

<u>Parmod Goyal, J. (Oral)</u>

Present appeals have been preferred by the parents of the deceased, Vijay Pal and Neeraj Singal (hereinafter referred to as the 'Deceased'), who died in a road accident which took place on 22.01.2003, on account of rash and negligent driving by respondent No.1 while driving TATA Sumo bearing registration No.HR-01D-9300.

2. Being aggrieved by the impugned award dated 11.01.2005

passed by the Motor Accident Claims Tribunal, Kaithal (hereinafter referred to as "Tribunal"), vide which the appellants/claimants were found entitled to total compensation of Rs.65,000/- in (FAO-1477-2005) and Rs.69,800/- in (FAO-3305-2005), the appellants/claimants are seeking enhancement of compensation awarded by the Tribunal as the same is not according to their entitlement.

3. Since in present appeals 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:

FAO-1477-2005	
Income	Rs.4,000/- per month
Dependency	1/3rd
Multiplier	4
Loss of dependency	1,300 x 12 x 4 = Rs.62,400/-
Last rites	Rs.2,600/-
Total compensation awarded	Rs.65,000/-

FAO-3305-2005	
Income	Rs.4,200/- per month
Dependency	1/3rd
Multiplier	4
Loss of dependency	1,400 x 12 x 4 = Rs.67,200/-
Last rites	Rs.2,600/-
Total compensation awarded	Rs.69,800/-

FAO-1477-2005 :-

5. Appellants/claimants have sought compensation claiming that

deceased was earning Rs.4,000/- while working as Clerk/Accountant in Poonam Enterprises, Delhi. In order to prove the salary of deceased appellants/claimants have examined employer PW4 Virender who duly placed on record salary certificate as Mark A24. Learned Tribunal has accepted Mark A24 to be evidence regarding income of deceased and income of deceased was taken to be Rs.4,000/-. Neither any cross-objection nor appeal has been preferred by any of the respondents in the present case.

6. Though there is no error in taking income of deceased to be Rs.4,000/- per month, however, dependency was taken to be Rs.1,300/- without applying proper deduction towards personal expenses of deceased. Since deceased was unmarried and survived by his parents, therefore, deduction of 50% towards personal expenses is required to be made and loss of dependency shall be Rs.2,000/- per month.

7. Admittedly, deceased was 21 years old, therefore, in view of judgment of Hon'ble Supreme Court in **Sarla Verma Vs. Delhi Transport Corporation,** 2009 (3) RCR (Civil) 77 appellants/claimants shall be entitled to multiplier of '18' and also addition of 40% towards future prospects in view of judgment of Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.,** 2017 (16) SCC 680. Accordingly, compensation to the appellants/claimants is payable after taking dependency to be Rs.2,000/- by deducting personal expenses to the extent 50% from income of deceased i.e. Rs.4,000/- and by applying multiplier of '18' and by making addition of 40% towards future prospects. Appellants/claimants shall also be entitled to Rs.7,500/- each towards funeral expenses and loss of estate and both the appellants/claimants shall also be entitled to Rs.15,000/- each towards filial consortium.

8. Reworked compensation is as under :-

Income	Rs.4,000/- per month (as taken by Tribunal)	Rs.4,000/-
Future Prospects	40% (4,000 + 1,600)	Rs.5,600/-
Deduction	50% (5,600 – 2,800)	Rs.2,800/-
Multiplier	18	18
Loss of dependency	Rs.2,800 x 12 x 18	Rs.6,04,800/-
Loss of filial consortium	Rs.15,000 x 2	Rs.30,000/-
Funeral expenses		Rs.7,500/-
Loss of estate		Rs.7,500/-
Total compensation awarded in Appeal		Rs.6,49,800/-
Total compensation awarded by Tribunal	Rs.65,000/-	
Enhanced amount of compensation	Rs.6,49,800/- (as awarded in appeal) – Rs.65,000/- (as awarded by Tribunal)	Rs.5,84,800/-

9. Appellants/claimants shall also be entitled to interest at the rate of 7.5% per annum on the enhanced amount from the date of filing of claim petition till its realization. The apportionment of compensation and the liability to satisfy the award shall remain the same as determined by the learned Tribunal.

FAO-3305-2005

10. Appellants/claimants have sought compensation claiming that deceased was earning Rs.4,200/- while working as security guard in private sector. In order to prove the salary of deceased appellants/claimants have

examined employer PW3 Sanjay Kumar who duly placed on record salary certificate as Mark A-24. Learned Tribunal has accepted Mark A-24 to be evidence regarding income of deceased and income of deceased was taken to be Rs.4,200/-. Neither any cross-objection nor appeal has been preferred by any of the respondents in the present case.

11. In these circumstances, income of deceased has to be taken as Rs.4,200/- per month. However, on consideration, I find that though income was taken as Rs.4,200/-, dependency was taken to be Rs.1,400/- without applying proper deduction towards personal expenses of deceased. Since deceased was unmarried and survived by his parents, therefore, deduction of 50% towards personal expenses is required to be made. Therefore, loss of dependency shall be Rs.2,100/- per month.

12. Admittedly, deceased was 22 years old, therefore, in view of judgment of Hon'ble Supreme Court in **Sarla Verma Vs. Delhi Transport Corporation,** 2009 (3) RCR (Civil) 77 appellants/claimants shall be entitled to multiplier of '18' and also addition of 40% towards future prospects in view of judgment of Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.,** 2017 (16) SCC 680. Accordingly, compensation to the appellants/claimants is payable after taking dependency to be Rs.2,100/- by deducting personal expenses to the extent 50% from income of deceased i.e. Rs.4,200/- and by applying multiplier of '18' and by making addition of 40% towards future prospects. Appellants/claimants shall also be entitled to Rs.7,500/- each towards funeral expenses and loss of estate and both the appellants/claimants shall also be entitled to Rs.15,000/- each towards filial consortium.

13. Reworked compensation is as under :-

Income	Rs.4,200/- per month (as taken by Tribunal)	Rs.4,200/-
Future Prospects	40% (4,200 + 1,680)	Rs.5,880/-
Deduction	50% (5,880 – 2,940)	Rs.2,940/-
Multiplier	18	18
Loss of dependency	Rs.2,940 x 12 x 18	Rs.6,35,040/-
Loss of filial consortium	Rs.15,000 x 2	Rs.30,000/-
Funeral expenses		Rs.7,500/-
Loss of estate		Rs.7,500/-
Total compensation awarded in Appeal		Rs.6,80,040/-
Total compensation awarded by Tribunal	Rs.69,800/-	
Enhanced amount of compensation	Rs.6,80,040/- (as awarded in appeal) – Rs.69,800/- (as awarded by Tribunal)	Rs.6,10,240/-

14. Appellants/claimants shall also be entitled to interest at the rate of 7.5% per annum on the enhanced amount from the date of filing of claim petition till its realization. The apportionment of compensation and the liability to satisfy the award shall remain the same as determined by the learned Tribunal.

15. Both the appeals are accordingly **allowed**.

16. Pending application(s), if any, is/are disposed of accordingly.

(PARMOD GOYAL)
JUDGE

29.01.2026
chiranjeev

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