



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

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FAO-1556-2005(O&M)
Date of Decision:-25.03.2026

Smt. Saroj Kumari and Other

.....Appellants

Versus

Gulshan Kumar and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Sukhdev Singh and Satish Kumar, Advocates for
Mr. Vikram Singh, Advocate
for the appellants.

Mr. Ajit Kumar Sharma, DAG, Haryana,
for respondents No.2 and 3.

Mr. D. R. Bansal, Advocate
for the respondent No.4/Insurance Company.

AMARINDER SINGH GREWAL, J. (Oral)

1. The present appeal has been filed by the appellants—claimants seeking enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Panipat (hereinafter “*the Tribunal*”), vide award dated 01.02.2005, whereby a sum of ₹9,32,000/- was granted on account of the death of Raj Kumar, husband of the appellant No.1, due to rash and negligent driving of respondent No.1.

2. Succinctly, the facts of the case are that on 18.12.1999 at about 9:00 P.M., Raj Kumar Verma, along with Mahabir, was proceeding on his scooter bearing registration No. HR-06-D-4653 from the side of Baluja Tourism Centre towards the old bus stand, Samalkha.

At that time, a bus bearing registration No. HR-37-3963 (hereinafter



referred to as offending vehicle), coming from the side of Delhi and being driven by respondent No.1 in a rash and negligent manner, struck the scooter of Sh. Raj Kumar from behind. As a result of the impact, Raj Kumar and Mahabir, who was the pillion rider, fell on the road and got entangled in the rear wheels of the bus and were dragged for some distance, sustaining multiple grievous injuries. Immediately thereafter, they were shifted to Civil Hospital, Samalkha by Rattan Lal and Vijay Kumar, who also witnessed the occurrence. Subsequently, Sh. Raj Kumar was referred to Prem Bhatia Hospital for better treatment, where he succumbed to his injuries on 22.12.1999. Appellants(claimants) being family members of the deceased filed claim petition. On 01.02.2005, vide impugned award passed by the learned Tribunal, the claimants were entitled to compensation of ₹9,32,000/-. The claimants, being Dissatisfied with the compensation awarded by the learned Tribunal, have preferred the present appeal.

3. Learned counsel for the appellants contends that the compensation awarded by the learned Tribunal is inadequate and liable to be enhanced. It is submitted that the deceased, aged about 50 years, was working as a teacher at the government Primary school, Jeetgarh, Tehsil Aamalkha, Panipat and was drawing the salary of ₹8575/- per month. It is further submitted that the deceased was maintaining a family consisting of his widow and three children, hence deduction to be made should have been $\frac{1}{4}$ whereas, $\frac{1}{3}$ was made by the learned tribunal. Furthermore, the application of multiplier by the learned Tribunal are not in consonance with settled law. Lastly, it is stated that a minimal



compensation was awarded under the conventional heads. Accordingly, enhancement of compensation has been prayed for.

4. Learned counsel for the respondents submits that the award passed by the learned Tribunal does not suffer from any irregularity or infirmity, and that the findings recorded therein are well-reasoned on the basis of the material available before the learned Tribunal. It is accordingly contended that no ground is made out for interference in appeal.

5. I have heard learned counsel for the parties and examined the record, with their able assistance.

6. The compensation awarded by the learned Tribunal is found to be wholly inadequate and legally unsustainable, having been determined on erroneous assumptions both on facts and law. It is admitted on record that Sh. Raj Kumar Verma was working as a JBT Teacher at the time of the accident dated 18.12.1999. Saroj Kumari (PW1), who is the wife of the deceased and appellant No.1 in the present appeal, has categorically deposed that the deceased was drawing a salary of ₹8,574/- per month. Her testimony stands duly corroborated by Ranbir Singh, Clerk from the office of Block Education Officer, Samalkha (PW3), who produced the salary register pertaining to the deceased. As per the salary certificate issued by the Block Education Officer, Samalkha (Ex. P4), the monthly salary of the deceased was ₹8,574/-. Accordingly, it stands proved on record that the monthly income of the deceased was ₹8,574/-.



7. Further, as per the unrebutted testimony of PW1, the date of birth of the deceased was 04.04.1950, and thus, he was aged 50 years at the time of the accident. In view of the law laid down by the Hon'ble Supreme Court in *National Insurance Company Limited v. Pranay Sethi (2017) 16 SCC 680*, 10% is liable to be added towards future prospects, and the appropriate multiplier applicable for the age group is '13', with deduction of 1/4th towards personal expenses, there being four dependents. ($\text{₹}8,574 + 10\% = \text{₹}9,431 \times 12 = \text{₹}1,13,172 - 1/4\text{th} = \text{₹}84,879 \times 13 = \text{₹}11,03,427$)

8. In addition, thereto, the learned Tribunal further erred in awarding inadequate compensation under the conventional heads. Each of appellants is entitled to ₹48,400/- each is payable towards loss of consortium to the widow and children ($\text{₹}48,000 \times 4 = \text{₹}1,93,600/-$), and a further sum of ₹18,150/- each is payable towards funeral expenses and loss of estate(escalation@ 10% every 3 years as per law laid down by Hon'ble Supreme Court in *Pranay Sethi's* case (*supra*). The claimants are also entitled to medical expenses to the tune of ₹60,000/-, duly supported by the evidence on record. Thus, the total compensation payable to the appellants, thus, works out to ₹13,93,327/-.

9. Accordingly, the total compensation payable to the appellants is assessed at ₹13,93,327/-. After deducting the amount of ₹9,32,000/- already awarded by the learned Tribunal, the appellants are entitled to an enhanced compensation of ₹4,61,327/-.

10. The enhanced compensation i.e. over and above the compensation awarded by the learned Tribunal shall also attract interest



@7.5% per annum from the date of filing of the petition till realization,
payable by the respondent No.4-insurance company in equal ratio.

11. In view of the aforesaid facts and circumstances, the award
passed by the learned Tribunal is modified and the present appeal is
allowed to the above extent.

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

(AMARINDER SINGH GREWAL)
JUDGE

March 25, 2026
anil

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No