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

FAO-4516-2019

Date of decision: 19.03.2026

Neelam Rani and another

...Appellants

Versus

Rajesh Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Ms. Shikha Yadav, Advocate for
Mr. Rahul Deswal, Advocate for the appellants.

Mr. Punit Jain, Advocate and
Mr. Aalok Verma, Advocate for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. Parents of the deceased-Deepak Kumar have filed the present appeal for enhancement of compensation. The Motor Accident Claims Tribunal, vide award dated 04.04.2019 had awarded an amount of compensation of Rs.7,86,000/- to the claimants along with interest on account of death of Deepak Kumar which had occurred in a motor vehicular accident which took place on 31.03.2018. The only issue that arises for consideration before this Court is whether the appellants are entitled to additional compensation or not as other aspects are not being disputed.

2. Learned counsel for the appellants has submitted that in the present case, the deceased had obtained a Secondary School Examination



Certificate and also had a Diploma in Civil Engineering issued by the Haryana State Board of Technical Education (Ex.P5) and further was also giving tuition to the students and was earning Rs.25,000/- per month. It is submitted that the monthly income, which had been assessed by the Tribunal, was Rs.7000/- per month whereas it should be Rs.25,000/- per month. It is submitted that no benefit of future prospects had been given and since the age of the deceased was 23 years at the time of accident thus, 40% of the salary of the deceased should be taken into consideration for assessing the future prospects. It is argued that there are two claimants and thus, they are entitled to Rs.88,000/- (Rs.44,000/- x 2) on account of loss of consortium. It is further submitted that on account of funeral expenses and loss of estate, only an amount of Rs.15,000/- on each aspect had been given, whereas, at least an amount of Rs.16,500/- on each of the said aspects was required to be awarded by taking into consideration 10% increase. It is thus, submitted that the appellants would be entitled to additional compensation of Rs.8,47,000/- and the said additional compensation should be awarded to the appellants along with interest at the rate of 9% per annum from the date of filing of the claim petition till its realisation. In support of his arguments, learned counsel for the appellants has relied upon the law laid down by the Hon'ble Supreme Court in case titled as **Sarla Verma (Smt.) and others Vs. Delhi Transport Corporation and another** reported as **(2009) 6 SCC 121**, **National Insurance Company Limited Vs. Pranay Sethi and others** reported as **(2017) 16 SCC 680**, and **Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram and others** reported as **(2018) 18 SCC 130**.



3. Learned counsel for respondent No.3-Insurance Company, on the other hand, has submitted that there is nothing on record to show that the deceased was earning any amount and even PW5-Manoj had failed to produce any record i.e., payment slip etc. to prove that he was making payment to the deceased with respect to the alleged tuition given by the deceased. It is submitted that in the said circumstances, it cannot be said that the deceased was earning Rs.25,000/- per month. It is further submitted that the rate of interest, which is sought to be claimed by the appellants i.e., 9% per annum, is highly excessive and the highest rate of interest that can be awarded on the additional amount of compensation is at best 6% per annum.

4. Learned counsel for the appellants, after taking into consideration the objections raised by learned counsel for the Insurance Company, has submitted that at least, the deceased should be taken to be skilled worker since he had Diploma in Civil Engineering issued by the Haryana State Board of Technical Education (Ex.P5). It is submitted that minimum wages with respect to skilled worker was Rs.9836/- per month and in case the said figure is rounded off, then at least Rs.10,000/- per month should be taken into consideration for the purpose of assessing the income of the deceased. Learned counsel for the appellants has prepared a revised chart, after taking into consideration the objections raised on behalf of the Insurance Company, which is reproduced hereinbelow:-

$$\text{“Income”} = \text{Rs.10,000/-} \times 12 = \text{Rs.1,20,000/-}$$

$$\text{Deduction} = 1/2 = \text{Rs.60,000/-}$$

$$\text{Future prospect} = 40\% = \text{Rs.60,000/-} + \text{Rs.24,000/-} = \text{Rs.84,000/-}$$



Multiplier = 18 = Rs.84,000/- x 18 = Rs.15,12,000/-

Consortium = Rs.44,000 x 2 = Rs.88,000/-

Loss of estate = Rs.16,500/-

Funeral expense = Rs.16,500/-

Total = Rs.16,33,000/-

Already granted = Rs.7,86,000/-

Enhancement = Rs.8,47,000/- + Interest

Sd/- Shikha Yadav for Rahul Deswal

Counsel for appellants”

5. This Court has heard learned counsel for the parties and has perused the paper book and is of the opinion that the revised chart, which has been submitted by learned counsel for the appellants, is in accordance with law and deserves to be upheld and the appellants are entitled to an additional amount of compensation as mentioned above.

6. It is not in dispute that the deceased was 23 years of age at the time of accident and thus, benefit of future prospects to the extent of 40% of the income of the deceased should have been given to the claimants which has not been given. Since there are two claimants thus, on account of loss of consortium, total amount of Rs.88,000/- (Rs.44,000/- x 2) is required to be awarded to them which had not been awarded by the Tribunal. On account of loss of estate and funeral expenses, the Tribunal had awarded an amount of Rs.15,000/- on each aspect without taking into consideration the 10% increase and thus, an amount of Rs.16,500/- on each of the said two aspects is also in accordance with law. The Tribunal had observed that the deceased had done Secondary School Examination, which fact, was apparent from the Certificate Ex.P4 and also had a Diploma in Civil Engineering and the Certificate regarding the same was issued by the Haryana State Board of



Technical Education and was duly proved as Ex.P5 and thus, it can be said that the deceased was a skilled worker. The minimum wages at the relevant time with respect to skilled worker was Rs.9836/- and the said fact could not be disputed. The said salary is being rounded off to Rs.10,000/- per month. Accordingly, the appellants are entitled to an amount of Rs.8,47,000/- as an additional compensation. With respect to the rate of interest, this Court has been consistently awarding rate of interest at the rate of 7.5% per annum, which rate of interest is also reasonable in the present case.

7. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the award dated 04.04.2019 is modified and respondent No.3-Insurance Company is directed to pay an additional amount of compensation to the tune of Rs.8,47,000/- to the appellants along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realisation within a period of six weeks from today.

8. All the pending miscellaneous applications, if any, shall stand disposed of in view of the abovesaid order.

19.03.2026

Pawan

**(VIKAS BAHL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No