

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

FAO-4333-2008 (O&M)

ANNAPURNA TIWARI AND ANR.
Vs.

.....Appellants

RAKESH KUMAR & ORS.

.....Respondents

**Reserved on: 17.04.2026
Pronounced on: 30.04.2026
Uploaded on: 06.05.2026**

Whether only the operative part of the judgment is pronounced? **NO**

Whether full judgment is pronounced? **YES**

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

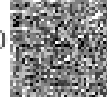
Present: Mr. Viresh Dahiya, Advocate with
Ms. Sonakshi Chaudhary, Advocate
for the appellants.

Mr. R.C. Kapoor, Advocate
for the respondent No.3-National Insurance Company Ltd.

SUDEEPTI SHARMA J.

1. The present appeal is preferred against award dated 18.03.2008 passed by learned MACT Tribunal, Gurgaon, whereby, claim petition filed by the appellants was dismissed.

2. Brief facts of the case are that on 17.09.2004 at about 4.00 PM Rajnish Tiwari was going towards Gurgaon from Sohna Road side while driving his motor cycle bearing No.HR-61-2522. When he reached near Tigra chowk, a Mini Bus bearing No.DL-IVA-2518 appeared from behind which was being driven by respondent No.1 rashly and negligently. The mini bus struck with the motor cycle of Rajnish Tiwari and he fell down and sustained multiple serious and grievous injuries. Rajnish Tiwari was taken to civil hospital. Gurgaon where he was declared dead on the same date. Post mortem examination of Rajnish Tiwari was conducted at Civil Hospital, Gurgaon. In



connection with accident a case under Section 279, 304-A IPC was registered at Police Station Sadar Gurgaon on 17.09.2004 under FIR No.530, it is prayed that the claim petition be allowed.

3. Upon notice of the claim petition, the respondents appeared and filed their separate replies denying the factum of accident/compensation.

4. From the pleadings of the parties, the learned Tribunal framed the following issues:-

“1. Whether accident in question was caused by respondent No.1 by driving Mini Bus Vehicle bearing registration No.DL-IVA-2518 in rash and negligent manner?OPP

2. If issue No.1 is proved, whether the claimants are entitled to any compensation, on account of death of Rajneesh Tiwari s/o V.P. Tiwari in the accident and if son, to what extent and from whom? OPR.

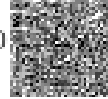
3. Whether respondent No.1 was not holding a valid and effective driving licence on the date of accident? OPR.

4. Relief.”

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal dismissed the claim petition. Hence, the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

6. Learned counsel for the appellants contends that the claim petition filed by the appellants-claimants was dismissed on the ground that involvement of vehicle was not proved by the appellant. He further contends that learned Tribunal failed to appreciate the evidence (oral as well as documentary) on the record which proves the involvement of vehicle and the factum of accident. He, therefore, prays that the present appeal be allowed.



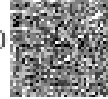
7. *Per contra*, learned counsel for the respondent No.3-Insurance Company, however, vehemently argues on the lines of the award dated 18.03.2008 and submits that the claim petition has rightly been dismissed by the learned Tribunal. Therefore, he prays for dismissal of the appeal.

8. I have heard learned counsel for the parties and perused the whole file of this case with their able assistance.

9. The relevant portion of the award reads as under:-

“ISSUES NO.1:

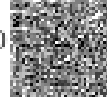
8. During the course of arguments there was no controversy that the mini bus vehicle bearing registration No DL-IVA-2518 belongs to respondent No.2 and this vehicle is insured with respondent No.3 National Insurance Company. It is evident from insurance policy Ex.R1 also. The version of the claimants is that the accident took place due to rash and negligent driving of respondent No.1 who was driving the offending vehicle No. DL-IVA-2518 was not involved in the accident and the respondent No1 has been falsely involve dint he criminal case as well as in the present claim petition. In connection with this accident a case under section 279, 304-A IPC was registered at Police station Sadar Gurgaon on 17.9.2004 under FIR No. 530. The FIR No.9 was lodged on the basis of statement of Hari Om s/o Gobind ram who stated before the police that registration number of the vehicle involved in the accident as No. DL18- 2518, which was being driven rashly and negligently by the driver. The driver of the vehicle took away his vehicle and he can identify him if produced before him. Hari Om stated that the Mini Bus vehicle hit the motor cycle of Rajnish Tiwari who died on account of injuries sustained by him. Ex.P4 is the copy of report under Section 173 Cr.P.C. in case under FIR No. 530. In the report under Section 173 Cr.P.C. and recovery memo prepared, the registration number of the vehicle involved in the accident is



mentioned as No. DL-IVA-2518. It is mentioned that complainant later on told the correct registration number of the vehicle during investigation.

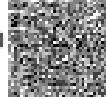
9. Anyhow, during investigation vehicle No. DL- IVA-2518 which was taken away by the driver from the spot. Was later on taken in phone possession. The vehicle was found fit after mechanical examination. Now the situation is that respondent No.1 Rakesh is facing trial in case under FIR No. 530 (sic) has been framed against him under Section 279, 304-A IPC. Hari Om complainant has not been examined by the petitioners in this case, in whose presence the accident took place, as alleged Smt. Annupurna Tiwari appeared in the witness box as PW3 and she deposed that the accident took place due to rash and negligent driving of respondent No.1 Rakesh Kumar. PW3 petitioner Annupurna in her cross examination admitted that accident did not take place in her presence. She stated that registration number of the offending vehicle is No. DL-1BA-2518. She has also told the wrong registration number of the vehicle. Anyhow, any such spelling type mistake can be ignored and take lightly but statement of PW3 cannot be given any weight regarding involvement of the vehicle in the accident and regarding giving findings that the accident took place due to rash and negligent driving of respondent No.1 as the accident did not take place in her presence.

10. Now the question arises as to whether on the basis of the evidence on the file as discussed above, findings can be given that the vehicle bearing No. DL-IVA-2518 was involved in in this accident and as to whether the accident took place due to rash and negligent driving of respondent No.1 or not. There are lot of infirmities in the case of the claimants. Firstly wrong registration number was got mentioned of the alleged offending vehicle in the FIR, secondly the driver of the offending vehicle was not known to Hari Om complainant and he escaped from the place of occurrence alongwith his vehicle soon after the accident took



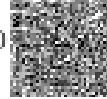
place. In such a situation to make the facts more clear during investigation, identification parade of the accused in case under FIR No. 530 should have been got conducted. Annpuma PW3 is not eye witness of the occurrence and in fact there is no eye witness of the alleged occurrence. Learned counsel for the petitioner argued that due to mistake in the registration number as pointed out, the claimants cannot be declined compensation amount. Learned counsel for the petitioner also argued that in a claim petition under Motor Vehicle Act, evidence should not be scrutinized in a manner as is done in a civil suit or a criminal case. If there is some evidence to arrive at the finding, there should be no suspicion or doubt in the mind of the Tribunal and compensation amount should be awarded. In support of his these contentions, learned counsel for the petitioner placed his reliance upon case laws Accident and Compensation Cases 1994 pages 153 (Allahabad) in case U.P. State Road Transport Corporation through its Deputy General manager Vs. Partap Singh, Accident and Compensation cases 1995 page 188 (Gauhati) in case Union of India & Anr. Vs. Mrs. Saraswati Debnath @ Ors. On the basis of findings of the Hon'ble Allahabad High Court in case law referred above, U.P.State Road Transport Corporation through its Deputy General manager Vs. Partap Singh certainly the mistake regarding registration number of the vehicle in the FIR and in the statement of another witnesses can be taken lightly and can be ignored. There also cannot be a different opinion that evidence in a MACT case should not be scrutinized in a manner as is done in a civil suit or in a criminal case.

11. In my view cited case laws above are of not much help to the petitioners in this case. I feel findings can be given in favour of petitioner in a claim petition on the basis of some reasonable evidence on the file and mistake in telling the registration number of the vehicle also can be ignored bu facts and circumstances of the case in hand are somewhat different from the facts and circumstances of the cited case law above. As per



facts of this case, no alleged eye witness appeared in the witness box to say that the accident took place in his presence. In this case, Hari Om complainant was eye witness, but he has not been examined by the petitioners for the reasons best known to them. Moreover, the driver of the offending vehicle was not known to Hari Om complainant also. No test identification parade has been got conducted during investigation of the criminal case. I feel all these circumstances cannot be taken so lightly. It is also not uncommon these days that sometimes when an accident takes place, the legal heirs of the dead person as well as the injured are advised to lodge police report mentioning involvement of some other vehicle in the accident, particularly when nobody could not down the registration number of the vehicle and even could not see the face of the driver.

12. During the course of arguments learned counsel for the petitioners argued that the respondent No.1 is facing trial under section 279, 304-A IPC regarding the same accident and finding can be given on the base that the accident took place due to rash and negligent driving of respondent No.1 I am not much impressed with this contention of the learned counsel for the petitioner. Unit and unless the accused in a criminal case is held guilty and convicted, he is presumed to be innocent. Only on the basis of FIR lodged against a person, on the basis of framing charge in a criminal case against that person, observations cannot be made that the offence has been committed by that person. FIR, police papers cannot be considered as substantive pieces of evidence. Such types of documents are available only for the purpose of corroboration or contradictions. My this view finds support from case law Accident and Compensation cases 2004 page 685 (Orissa High Court) in case Oriental Insurance Company Vs. Bhaiga OPradhan & Ors. Moreover, if eye witnesses is not examined in the criminal case, there appears to be no chance of the accuses of the prosecution in that criminal case also. As a result as per discussion above in detail, I have no

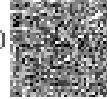


hesitation in holding that the petitioners failed to prove that the Mini Bus Vehicle No. DL-IVA- 518 was involved in this accident or that the accident took place due to rash and negligent driving of respondent No.1 It is evident from the statement of Dr. Subhash Sindhu PW1 and post mortem report Ex.P1 that Rajnish Tiwari died due to shock and hameorrhage on account of injuries on his body. With these observations, issue No.1 is decided against the claimants.”

10. A perusal of the record reveals that accident took place on 17.09.2004 at 04.00 PM and on the same day FIR was registered against driver of the offending vehicle. During investigation the number of vehicle was also verified. Further perusal of the record shows that respondent No.1- Rakesh Kumar/driver of offending vehicle was facing trial in FIR No.530 under Section 279, 304 IPC.

11. A perusal of the record further reveals that no written statement was filed by respondent No.1/driver of offending vehicle to dispute that the accident did not occur due to his negligence.

12. A perusal of post-mortem report shows that in the column of information furnished by police it is specifically stated that it is road-side accident. Further opinion of doctor regarding cause of death shows that hemorrhage and shock can be caused by road-side accident. Medical report also proves that there was nothing wrong in the vehicle which could cause accident which further proves rash and negligent driving by respondent No.1. Dr. Subhash Sindhu, MO, GH, Gurgaon who conducted post mortem on dead body of Ram Tiwari was examined as PW-1 who specifically stated that in his opinion, the cause of death was due to hemorrhage and shock due to the injuries and could be caused by accident.



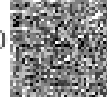
13. He further stated that dead body was brought by police official who told that the death was due to road accident. Doctor was not cross-examined by the respondents despite opportunities granted. Consequently, the testimony of Dr. Subhash Sindhu remained unimpeachable and should have not been brushed aside lightly.

14. A perusal of the award further reveals that Ram Dhari, Assistant Alhmad to ACJM, Gurgaon was examined as PW-2 who stated that charges under Section 279, 304-A IPC were framed against R-1/Rakesh. Respondents had full opportunity to cross-examine him.

15. Further, Anant Singh, Police Station, Sadar Gurgaon was examined as PW-5 who brought the FIR registered containing FIR No.530 dated 17.09.2004 under Section 279, 304-A IPC wherein, number of offending vehicle was also written. His veracity also could not be shaken in his cross-examination.

16. Further perusal of the record shows that respondent No.1/Rakesh was facing trial in FIR. It is trite law that once FIR is lodged and challan is presented and driver of offending vehicle is facing trial regarding the accident it constitutes *prima facie* proof that accident occurred due to his sole negligence. However, learned Tribunal has failed to appreciate the above referred to settled law and rendered finding which is unsustainable in the eyes of law.

17. Be that as it may, there is nothing gain saying that the standard of proof in MACT is preponderance of probabilities and not proof beyond reasonable doubt as required in criminal trials. The approach of the learned



Tribunal, however, reflects application of a standard akin to criminal jurisprudence, which is legally unsustainable.

18. In view of the cumulative effect of the evidence on record, this Court is satisfied that the claimants-appellants have successfully established, on the touchstone of preponderance of probabilities, that the accident in question occurred due to rash and negligent driving of the offending vehicle by respondent No.1. Consequently, the findings recorded by the learned Tribunal on the issue of negligence are set aside and claimants-appellants are held entitled to compensation as per settled law.

SETTLED LAW ON COMPENSATION

19. Hon'ble Supreme Court in the case of **Sarla Verma Vs. Delhi Transport Corporation and Another** [(2009) 6 Supreme Court Cases 121], laid down the law on assessment of compensation and the relevant paras of the same are as under:-

“30. Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in Trilok Chandra, the general practice is to apply standardised deductions. Having a considered several subsequent decisions of this Court, we are of the view that where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one-fourth (1/4th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family members exceeds six.

31. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to bachelors, normally, 50% is deducted as

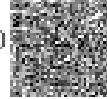


personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent(s) and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant and the mother alone will be considered as a dependant. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependants, because they will either be independent and earning, or married, or be dependent on the father.

32. Thus even if the deceased is survived by parents and siblings, only d the mother would be considered to be a dependant, and 50% would be treated as the personal and living expenses of the bachelor and 50% as the contribution to the family. However, where the family of the bachelor is large and dependent on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third.

** * * * **

42. We therefore hold that the multiplier to be used should be as mentioned in Column (4) of the table above (prepared by applying Susamma Thomas³, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that



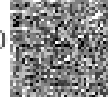
is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.

20. Hon'ble Supreme Court in the case of **National Insurance Company Ltd. Vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]** has clarified the law under Sections 166, 163-A and 168 of the Motor Vehicles Act, 1988, on the following aspects:-

- (A) Deduction of personal and living expenses to determine multiplicand;
- (B) Selection of multiplier depending on age of deceased;
- (C) Age of deceased on basis for applying multiplier;
- (D) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses, with escalation;
- (E) Future prospects for all categories of persons and for different ages: with permanent job; self-employed or fixed salary.

The relevant portion of the judgment is reproduced as under:-

“52. As far as the conventional heads are concerned, we find it difficult to agree with the view expressed in Rajesh². It has granted Rs.25,000 towards funeral expenses, Rs 1,00,000 towards loss of consortium and Rs 1,00,000 towards loss of care and guidance for minor children. The head relating to loss of care and minor children does not exist. Though Rajesh refers to Santosh Devi, it does not seem to follow the same. The conventional and traditional heads, needless to say, cannot be determined on percentage basis because that would not be an acceptable criterion. Unlike determination of income, the said heads have to be quantified. Any quantification must have a reasonable foundation. There can be no dispute over the fact that price index, fall in bank interest, escalation of

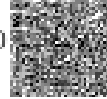


rates in many a field have to be noticed. The court cannot remain oblivious to the same. There has been a thumb rule in this aspect. Otherwise, there will be extreme difficulty in determination of the same and unless the thumb rule is applied, there will be immense variation lacking any kind of consistency as a consequence of which, the orders passed by the tribunals and courts are likely to be unguided. Therefore, we think it seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000, Rs.40,000 and Rs.15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads.

* * * * *

59.3. *While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax.*

59.4. *In case the deceased was self-employed (or) on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the*



deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.

59.5. For determination of the multiplicand, the deduction for personal and living expenses, the tribunals and the courts shall be guided by paras 30 to 32 of Sarla Verma⁴ which we have reproduced hereinbefore.

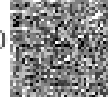
59.6. The selection of multiplier shall be as indicated in the Table in Sarla Verma¹ read with para 42 of that judgment.

59.7. The age of the deceased should be the basis for applying the multiplier.

59.8. Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs 15,000, Rs 40,000 and Rs 15,000 respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years.”

21. Hon’ble Supreme Court in the case of **Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram & Others [2018(18) SCC 130]** after considering **Sarla Verma (supra)** and **Pranay Sethi (Supra)** has settled the law regarding consortium. Relevant paras of the same are reproduced as under:-

“21. A Constitution Bench of this Court in Pranay Sethi² dealt with the various heads under which compensation is to be awarded in a death case. One of these heads is loss of consortium. In legal parlance, "consortium" is a compendious term which encompasses "spousal consortium", "parental consortium", and "filial consortium". The right to consortium would include the company, care, help, comfort, guidance, solace and affection of the deceased, which is a loss to his family.



With respect to a spouse, it would include sexual relations with the deceased spouse.

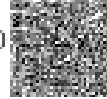
*21.1. **Spousal consortium** is generally defined as rights pertaining to the relationship of a husband-wife which allows compensation to the surviving spouse for loss of "company, society, cooperation, affection, and aid of the other in every conjugal relation".*

*21.2. **Parental consortium** is granted to the child upon the premature death of a parent, for loss of "parental aid, protection, affection, society, discipline, guidance and training".*

*21.3. **Filial consortium** is the right of the parents to compensation in the case of an accidental death of a child. An accident leading to the death of a child causes great shock and agony to the parents and family of the deceased. The greatest agony for a parent is to lose their child during their lifetime. Children are valued for their love, affection, companionship and their role in the family unit.*

22. Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. Modern jurisdictions world-over have recognised that the value of a child's consortium far exceeds the economic value of the compensation awarded in the case of the death of a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child.

23. The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims or their families, in cases of genuine claims. In case where a parent has lost their minor child, or unmarried son or daughter, the

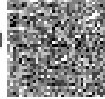


parents are entitled to be awarded loss of consortium under the head of filial consortium. Parental consortium is awarded to children who lose their parents in motor vehicle accidents under the Act. A few High Courts have awarded compensation on this count. However, there was no clarity with respect to the principles on which compensation could be awarded on loss of filial consortium.

24. The amount of compensation to be awarded as consortium will be governed by the principles of awarding compensation under "loss of consortium" as laid down in Pranay Sethi². In the present case, we deem it appropriate to award the father and the sister of the deceased, an amount of Rs 40,000 each for loss of filial consortium.

22. A perusal of the award reveals that the age of deceased Rajesh Tiwari at the time of accident was around 25-26 years as depicted from post mortem report (Ex.P-1). Therefore, this Court assessed age of deceased as 25 years for assessing compensation. A perusal of the record further reveals that deceased was working with Grasim Industries Ltd. and his monthly income was Rs.14399/- as depicted from salary certificate (Ex.P8). Furthermore, Rajesh Sharma, Officer Human Resource, in the office of Grasim Industries Ltd., Naurangpur Gurgaon was examined as PW-4 and he proved the salary certificate. In view of the above, the salary of deceased is assessed as 14400/- (rounded of Rs.14399/-).

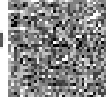
23. So far as future prospects is concerned Hon'ble the Supreme Court in *Ashish Ravinder Kulkarni's case (supra)*, has held that in case of a person who is in regular service, a percentage higher than the one stated in *National Insurance Company Ltd. Vs. Pranay Sethi & Ors.* [(2017) 16 SCC 680], can also be awarded. The relevant extract of the same is reproduced as under:-



“7. It is also his case that the future prospects as reckoned at 30% is not justified and the same should have been at 25% since the job of the deceased cannot be considered as permanent employment. Lastly, it is contended the interest as fixed by the High Court at 7.5% per annum is excessive and is without appropriate reason being assigned.

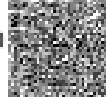
8. The learned counsel for the respondents/ claimants would however seek to sustain the judgment passed by the High Court. On all the aspects which have been urged by the learned counsel for the appellant, it is contended that the MACT as well as the High Court have looked into the evidence which was available before it and has thereafter arrived at its conclusion, which does not call for interference.

9. In the light of the contentions put forth, insofar as the salary, we take note that by way of clarification, we had required the learned counsel for the respondents/claimants to point out that the amount paid was after deduction of the tax or proof for payment of tax, since the learned counsel for the appellant had contended that the same has not been done. Along with an application, in addition to the documents that were



relied on before the MACT, the notice of assessment of the Inland Revenue Authority of Singapore is produced. From the same, it would indicate that from the salary paid to the deceased, tax has been assessed in Singapore. Hence, there is no scope for double taxation on the same income. Therefore, deducting any amount towards tax once over again would not arise. Hence, his salary as reckoned by the High Court is justified and the same does not call for interference.

10. On the aspect relating to the future prospects, having noted the salary that was being drawn by the deceased, we have also taken into consideration that the deceased was employed in TATA Precision Industries. Another employee who was working as the Assistant Manager in Human Resources had been examined as PW-2 before the MACT to prove the same. In that regard, taking note of the evidence tendered by PW-2 to indicate the nature of employment of the deceased as also his prospects, we are of the opinion that the future prospects as reckoned in the instant case is also justified. This is for the reason that though the learned counsel for the appellant seeks to



point to the portion of the cross-examination of the said witness to indicate that he had earlier been terminated from TATA Holset Private Limited and had thereafter been appointed in TATA Precision Industries, it would not lead to a conclusion that the job was not of permanent nature. In fact, even if the employment letter indicated that the job could be terminated with 30 days notice as insisted by the learned counsel, that cannot be the basis in as much as the said provision for termination notice would be available to both the parties, namely the employer and the employee and that by itself cannot indicate that the employment was of a temporary nature. Right of the employer to terminate does not suggest it is temporary employment. Such right if exercised has to be in terms of law. Further, from the cross-examination, the suggestion put to PW-2, would only indicate that the deceased who was earlier employed in TATA Holset Private Limited was thereafter taken in another sister concern of the same group providing him better prospects. Therefore even if that aspect of the matter is kept in view, the future prospects as reckoned by the High Court is justified.”



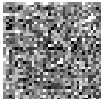
24. Consequently, in view of the law laid down by Hon’ble the Supreme Court in **Ashish Ravinder Kulkarni’s case (supra)**, 50% addition is made under the head of future prospects and multiplier of 18 would be applied which assessing compensation.

CONCLUSION

25. In view of the law laid down by the Hon’ble Supreme Court in the above referred to judgments, the present appeal is allowed. The award dated 18.03.2008 is set aside. The appellants-claimants are entitled to compensation as per the calculations made here-under:-

<i>Sr.No</i>	<i>Heads</i>	<i>Compensation Awarded</i>
1	Monthly Income	Rs.14399/- (rounded of to 14400)
2	Future prospects @ 50%	Rs.7200/- (50% of 14400)
3	Deduction towards personal expenditure 1/3	Rs.7200/- (21600 X 1/3)
4	Total Income	Rs.14400/- (21600-7200)
5	Multiplier	18
6	Annual Dependency	Rs.31,10,400/- (14400 X 12 X 18)
7	Loss of Estate	Rs.15,000/-
8	Funeral Expenses	Rs.15,000/-
9	Loss of Consortium Parental : Rs. 40,000 X 1 Spousal : Rs.40,000 X 1	Rs.80,000/-
10	Total Compensation	Rs.32,20,400/-

26. So far as the interest part is concerned, as held by Hon’ble Supreme Court in **Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma** 2019 ACJ 3176 and **R.Valli and Others VS. Tamil Nadu State Transport Corporation** (2022) 5 Supreme Court Cases 107, the appellants-claimants are granted the interest @ 9% per annum on the amount of compensation so calculated from the date of filing of claim petition till the date of its realization.



27. The Insurance Company-respondent No. 3 is directed to deposit the enhanced amount of compensation along with interest with the Tribunal within a period of two months from today. The Tribunal is further directed to disburse the amount of compensation along with interest in the accounts of the claimants/appellants in equal ratio. The claimants/appellants are directed to furnish the bank account details to the Tribunal.

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

30.04.2026

Ayub/Sahil

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes/No