



FAO-2913-2019

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

FAO-2913-2019 (O&M)

Gurpreet Kaur and ors.

.....Appellants

vs.

Avtar Singh and ors.

.....Respondents

Date of Reserve: 20.02.2026

Date of Pronouncement: 16.03.2026

Uploaded on:- 20.03.2026

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. M.S. Longia, Advocate, for
Mr. Saurabh Bhimani, Advocate
for the appellants.

Ms. Gauri Sharma, Advocate
for respondent No. 1.

None for respondent No. 2.

Ms. Vandana Malhotra, Advocate (Through VC)
and Ms. Manvi Verma, Advocate
for respondent No. 3.

SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 06.01.2019 passed by the learned Motor Accident Claims Tribunal, Bathinda in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the Tribunal') for enhancement of compensation granted to the claimants/appellants to the tune of Rs.2,28,250/- (i.e half of Rs.4,32,000/- on account of contributory negligence of the deceased) along with interest @9% per annum, on account of death of Gurmail Singh in a Motor Vehicular Accident,



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occurred on 26.05.2007 as well as making deceased liable for contributory negligence.

FACTS NOT IN DISPUTE

2. Brief facts of the case are that on 26.05.2007, the deceased Gurmail Singh along with Raj Singh and Gian Singh were returning to their village on scooter No. UP-10A-1469 after meeting their friends, through the main Barnala-Bathinda road. The scooter was being driven by Gurmail Singh. When they were going on the main road and were at about 20/25 karams towards vs. Lehra bega, a maruti car bearing No. CH-01K-8098 came from the side of V. Lehra Mohabat in a rash and negligent manner and hit with the above said scooter. As a result of which all the occupants of the scooter fell on the road. Gurmail Singh suffered serious injuries and he succumbed to his injuries.

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

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

“1. Whether death of Gurmail Singh took place in road accident on 26.05.2007 caused due to rash and negligent driving of Maruti car bearing No. CH-01K-8098 by respondent No. 1, if so its effect? OPP.

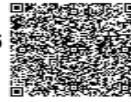
2. Whether claimants being legal heirs of deceased entitled to compensation amount, if so how much amount and from whom? OPA

3. Whether the claim petition is bad due to non joinder of necessary parties as alleged? OPR-1 and 2

4. Whether there is breach of terms and conditions of insurance policy, cover note as alleged? OPR-3.

5. Whether respondent No. 1 was not holding valid and effective driving licence at the time of the alleged accident? OPR-3

6. Relief.”



5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal has awarded compensation to the claimants/appellants. However, 50% of the compensation was awarded to the appellants/claimants on account of contributory negligence of the deceased. Hence the present appeal.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

6. The learned counsel for the claimants-appellants contends that the amount assessed by the learned Tribunal is on the lower side and deserves to be enhanced. He further contends that the learned Tribunal has erred in law in holding accident occurred as a result of contributory negligence of the deceased (50% of the driver of the offending vehicle and 50% of deceased-Gurmail Singh). Therefore, he prays that the present appeal be allowed and contributory negligence be set aside and amount be enhanced.

7. Per contra, learned counsel for respondents, however, vehemently argues that the award has rightly been passed towards contributory negligence and the amount of compensation, as assessed by the learned Tribunal has rightly been granted. Therefore, he prays for dismissal of the appeal.

8. I have heard learned counsel for the parties and perused the whole record of this case.

9. Before proceeding further, it is relevant to reproduce the relevant portion of the award, which reads as under:-



“ISSUES NO.1, & 2.

11. Both these issues have been taken up together being inter-connected and to avoid repetition. It has been argued by learned counsel for claimants that the deceased was 25 years of age at the relevant point of time. It has been argued that the accident in question has been proved on record. It has been submitted further that Avtar Singh, who was driving the Maruti Car bearing No. CH-01K-8098 on the fateful day, was negligent, due to which the death of Gurmail Singh has occurred. It has been submitted that he was a labourer and was earning Rs.3,000/- per month and accordingly, it has been submitted that the suitable compensation may kindly be awarded in favour of the claimants. Certain bills have also been shown to the Court on the basis of which it has been claimed that claim petition may kindly be allowed.

On the other hand, learned counsel for respondents No.1 and 2 Sh. Gill argued that Avtar Singh was not driver of the car in question. It has been submitted that the deceased sustained injuries by fall on the road and false claim petition has been preferred. Accordingly, dismissal of the petition has been sought.

13. Sh.M.L.Bansal, Advocate arguing for the insurance company, argued that firstly the accident in question has not been proved on record and secondly if this Court is of the opinion that the accident has been proved on record, then it has been submitted that the conduct of the driver of the scooter should be deprecated by the Court that he was drunkard and was doing triple riding. Accordingly, it has been submitted that had the deceased been not drunkard on the fateful day or that three persons were not sitting on the scooter, then the accident in question could not have occurred. It is primary due to the negligent act of the deceased that the accident has taken place. Accordingly, it has been submitted that the insurance company is not to be penalized. Accordingly, prayer for dismissal of the petition has been made.

14. After hearing rival contentions of all the sides and perusing the record very carefully, this Court is of the opinion that the accident in question has been proved on record. There is statement of Raj



Singh, who has deposed that on 26.5.2007 the deceased Gurmail Singh along with deponent and Gian Singh son of S. Bahadur Singh were returning to their village on scooter No. UP-10A-1469 and when they were about 20/25 karams towards V. Lehra Bega on the main road, then it was around 3/3.30 p.m. when a maruti car No. CH-01K-8098 came from the side of V. Lehra Mohabat at a very high speed and in a rash and negligently manner, which was struck with the scooter in question from its back side. He has further deposed that the car came without applying any breaks, as a result of which all the occupants of the scooter had a fall and deceased Gurmail Singh had a head injury, due to which he died. The attested copy of the FIR is Ex.A3 on record. Further Gurpreet Kaur wife of deceased Gurmail Singh has also stepped into the witness box and has deposed as per the claim petition. She has deposed that she is the widow of deceased Gurmail Singh and respondents No.2 is the minor daughter, whereas respondent No.4 is the minor son of deceased Gurmail Singh and respondent No.3 is the father of deceased Gurmail Singh. That they are the legal heirs of deceased Gurmail Singh and are entitled to receive compensation.

15. So far as the occurring of the accident in question is concerned, that cannot be disputed. It stands proved on record from the statement of Raj Singh PW-2 and from the copy of FIR Ex.A3 placed on record that on 26.5.2007 deceased Gurmail Singh was driving his scooter on the main Bathinda-Barnala Road, wherein said Gurmail Singh has died while the said scooter was hit by car bearing No. CH-01K-8098, which was being driven by respondent No.1. While furnishing written statement by respondents No.1 and 2, it has been conceded in para No.10 that Avtar Singh was driving the car in question at the relevant point of time. Now it is required to be seen as to whether there was any fault of deceased Gurmail Singh in the said accident or not. It is not disputed that the deceased was in a drunkard condition on the fateful day. In the cross-examination it Ales non-else, but the wife of deceased Gurmail Singh namely Gurpreet Kaur, who has conceded that her husband alongwith other two occupants of the scooter had a drink



and Gurmail Singh was driving the scooter in a drunkard condition and more so he had two persons on the pillion of the scooter and scooter is otherwise meant for two people only. It is obvious that when a drunkard person is driving the scooter and having two persons on the pillion, that driving would not be safer one. It has also come on record that the driver of the Maruti Car had applied breaks at the relevant point of time, but still the accident in question had taken place. No doubt, the driver of Contiong the Maruti Car bearing No. CH-01K-8098 should have been cautioned while driving the vehicle, but at the same time, the duty was equally casted upon the driver of the scooter for its safe driving. In the given facts and circumstances of the case, it can be safely concluded that the accident in respondents No.1 and 2, it has been conceded in para No.10 that Avtar Singh was driving the car in question at the relevant point of time. Now it is required to be seen as to whether there was any fault of deceased Gurmail Singh in the said accident or not. It is not disputed that the deceased was in a drunkard condition on the fateful day. In the cross-examination it A non-else, but the wife of deceased Gurmail Singh namely Gurpreet Kaur, who has conceded that her husband alongwith other two occupants of the scooter had a drink and Gurmail Singh was driving the scooter in a drunkard condition and more so he had two persons on the pillion of the scooter and scooter is otherwise meant for two people only. It is obvious that when a drunkard person is driving the scooter and having two persons on the pillion, that driving would not be safer one. It has also come on record that the driver of the Maruti Car had applied breaks at the relevant point of time, but still the accident in question had taken place. No doubt, the driver of Maruti Car bearing No. CH-01K-8098 should have been cautious while driving the vehicle, but at the same time, the duty was equally casted upon the driver of the scooter for its safe driving. In the given facts and circumstances of the case, it can be safely concluded that the accident in question had taken place at the spot. But the contributory negligence was there on the part of the driver of the scooter in question and due to the rash and



negligent driving on the part of the driver of the Maruti Car as well as that of the driver of the scooter the accident has been proved to be there. The extent of negligence in this case on the part of the driver of the scooter can be to the extent of 50%. Accordingly, it stands proved on record that the accident in question had taken place in the above stated manner and the claimants are the legal heirs of the deceased Gurmail Singh.

16. So far as the compensation is concerned. Though it has been pleaded that the deceased was having 20 acres of land, but during the course of arguments, learned counsel for claimants has not claimed that the deceased was having 20 acres of land. Rather it has been submitted that he was a labourer and was of 25 years and 11 days old at the time of death. Reference in this regard has been made to Ex.A2, which is the photo copy of the certificate issued by the school authorities, in which the date of birth of the deceased has been shown to be 15.5.1982. Ex.A1 is the copy of post mortem report, wherein the age of the deceased has been mentioned as 30 years. But this Court has to believe the certificate issued by the school authorities, which is specific in this regard. Accordingly, computing the income of the deceased from the view point of a labourer, this Court is of the opinion that even a labourer in these days gets Rs.3,000/- per month. Accordingly, assessing the deceased to be getting Rs.3,000/- per month, this Court is of the opinion that at least Rs.1,000/- i.e. 1/3 use to be spent by the deceased on his own self and he must have been contributing Rs.2,000/-towards his family. It has come on record that deceased Gurmail Singh was 25 years of age and as per second schedule provided for the compensation for 3rd party fatal accident claim cases, it has shown that when the age of the victim varies from 25 to 30 years, then multiplier which would be applicable is 18. Accordingly, applying the said multiplier to 2,000/- which comes Rs.4,32,000/-. Out of this amount, the claimants are entitled to have half of the compensation amount i.e. Rs.2,16,000/- after deducting 50% for contributory negligence, from respondent No.3 i.e. New India Assurance Company Ltd. with 9% interest from the date of



claim petition i.e. 13.6.2007. The claimants have also placed on record bill amounting to Rs.2750/- as Ex.A6 and Ex.A5 is the receipt of the same, to which the claimants are entitled. Rs.5,000/- allowed on account of loss of consortium, but Rs.2,000/- on account of funeral expenses and another amount of Rs.2500/- on account of loss of estate of deceased to claimants. In this way, the claimants are entitled to get Rs.2,28,250/- as compensation from respondent No.3 equally. Both these issues are accordingly decided in favour of the claimants and against the respondents.”

10. A bare perusal of the impugned award reveals that the learned Tribunal has fallen into a manifest error in concluding that the accident in question was the result of contributory negligence and in consequently apportioning liability in the ratio of 50:50 between the deceased and respondent No.1, the driver of the offending vehicle.

11. From the record it emerges that, in order to establish rashness and negligence on the part of respondent No.1, the claimants/appellants examined AW-1 Gurpreet Kaur, widow of the deceased, and AW-2 Raj Singh, eyewitness to the occurrence. Both witnesses have deposed in a consistent, cogent and trustworthy manner, unequivocally attributing the accident to the rash and negligent driving of the offending car by respondent No.1. Significantly, AW-2 Raj Singh was himself travelling on the scooter driven by the deceased at the relevant time and, therefore, was a natural and ocular witness to the occurrence. Their testimonies have remained intact despite cross-examination, and nothing material has been elicited to discredit their version or to create any doubt regarding the manner in which the accident occurred.

12. Notwithstanding such unimpeached ocular evidence, the learned Tribunal proceeded to record finding of contributory negligence primarily on the basis of a statement elicited during the cross-examination of AW-1-Gurpreet Kaur,



widow of the deceased, wherein it was suggested that the deceased had consumed liquor prior to the accident. However, the record reveals that no post-mortem examination was conducted upon the body of the deceased, nor was any chemical or forensic analysis undertaken to determine the actual level of alcohol, if any, present in his blood at the relevant time. In the absence of such scientific or medical evidence, the mere assertion that the deceased had consumed liquor cannot, by itself, form the basis for attributing contributory negligence. The finding recorded by the learned Tribunal in this regard is thus founded upon conjecture rather than proof.

13. The learned Tribunal further appears to have inferred contributory negligence from the circumstance that the scooter driven by the deceased was carrying two pillion riders. Undoubtedly, permitting more than one pillion rider on a two-wheeler constitutes a violation of the provisions of the Motor Vehicles Act. However, it is well settled that a mere statutory violation does not *ipso facto* establish negligence unless it is shown, through cogent evidence, that such violation had a causal connection with the occurrence of the accident. In the present case, the respondents have led no evidence whatsoever to demonstrate that the presence of two pillion riders in any manner contributed to the occurrence of the accident. The inference drawn by the learned Tribunal, therefore, lacks evidentiary foundation.

14. It is trite law that the burden to establish contributory negligence lies squarely upon the party asserting it. Such a defence must be substantiated by clear, cogent and affirmative evidence and cannot rest upon assumptions or speculative reasoning. In the absence of material demonstrating any negligent act or omission on the part of the deceased which contributed to the accident, the Tribunal was not justified in apportioning liability.



15. In the case at hand, there is no evidence on record to show that the deceased was driving the scooter in a rash or negligent manner or that any act on his part contributed to the occurrence. On the contrary, the unimpeached testimony of the eyewitness clearly establishes that the offending car, driven by respondent No.1, struck the scooter from behind, which in itself raises a strong presumption of negligence on the part of the driver of the following vehicle.

16. Consequently, the finding recorded by the learned Tribunal attributing 50% contributory negligence to the deceased cannot be sustained either in law or on facts and is liable to be set aside.

17. Accordingly, the said finding is hereby set aside. The accident is held to have occurred solely due to the rash and negligent driving of respondent No.1, and the claimants cannot be saddled with any portion of the liability on the ground of contributory negligence.

18. Adverting now to the compensation as awarded by learned Tribunal, the same is decided as under:-

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 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 record reveals that the learned Tribunal has rightly assessed the income of the deceased as Rs.3000/- per month by placing reliance on the minimum wages notification prevalent in the State of Punjab at the time of accident and the same is hereby affirmed. It further reveals that the learned Tribunal has rightly deducted 1/2 towards personal expenditure and rightly applied multiplier of 18.

23. A further perusal of the award reveals that the learned Tribunal has erred in not awarding any amount under the head of future prospects, therefore, as per settled law on compensation, 40% is to be added as future prospects.

24. A further perusal of the award reveals that meagre amount is granted under the head of loss of estate, funeral expenses and loss of consortium.

Therefore, the award requires indulgence of this Court.



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 06.01.2009 is modified accordingly. The appellants-claimants are entitled to enhanced amount of compensation as per the calculations made here-under:-

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	Rs.3000/-
2	Future prospects @ 40%	Rs.1200/- (40% of 3000)
3	Deduction towards personal expenditure 1/2	Rs.2100/- (4200 X 1/2)
4.	Total Income	Rs.2100/-(4200-2100)
5	Multiplier	18
6	Annual Dependency	Rs.4,53,600/- (2100X12X18)
7	Loss of Estate	Rs.15,000/-
8	Funeral Expenses	Rs.15,000/-
9	Loss of Consortium Filail : Rs. 40,000/-x1 Spousal : Rs. 40,000/-x1 Parental : Rs. 48,400/-x2	Rs.1,60,000/-
10	Total Compensation	Rs.6,43,600/-
	Deduction Amount Awarded by the Tribunal on account of 50% contributory negligence of the deceased	Rs.2,28,250/-
11	Enhanced amount (bereft of contributory negligence)	Rs.4,15,350/-(643600-225250)



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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 enhanced amount from the date of filing of claim petition till the date of its realization.

27. Respondent No. 3-Insurance Company is directed to deposit the enhanced amount of compensation along with interest with the Tribunal within a period of two months from the receipt of copy of this judgment. The Tribunal is directed to disburse the enhanced amount of compensation along with interest in the accounts of the claimants/appellants, as per award dated 06.01.2009. The claimants/ appellants are directed to furnish their bank account details to the Tribunal.

28. Pending applications, if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

16.03.2026
Gaurav Arora

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