



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

Sr. No.126

FAO-461-2009

Date of Decision: 23.01.2026

RAM LAKHAN AND ANOTHER

....Appellants

Versus

GULAB SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Lipika, Advocate
for the appellants.

ARCHANA PURI, J. (Oral)

The present appeal has been filed by the appellants/claimants, for seeking enhancement of compensation awarded by learned Tribunal, on account of death of Ram Naresh, in a motor vehicular accident.

Perusal of the impugned Award reveals that liability fastened upon the respondents is joint and several.

For the time being, notice issued only to respondent No.3-Insurance Company.

Mr. Rajiv Joshi, Advocate, accepts notice on behalf of respondent No.3-Insurance Company.

Counsel for the appellants submits that she confines her prayer, only for enhancement of compensation under the conventional heads, as the amount awarded towards the funeral expenses is nominal, whereas no compensation has been granted on the count of 'loss of consortium', as well



Perusal of the impugned award reveals that the deceased-Ram Naresh, was 60 years old, at the relevant time and he was working as a Watchman. His earnings were taken as Rs.3,000/- per month and after deducting 1/3rd, on account of personal expenses, the annual loss of dependency was worked upon as Rs.24,000/- and after appropriately applying the multiplier of '5', the compensation so worked upon was Rs.1,20,000/-. Besides the same, an amount of Rs.4,500/- was granted towards expenses incurred for transportation and performing the last rites of the deceased and as such, the total compensation was worked upon as Rs.1,24,500/- (1,20,000 + 4,500).

Taking into consideration the aforesaid computation, enhancement is required to be made under the conventional heads, as per the settled law. On the count of 'funeral expenses', the amount payable, as per '*National Insurance Company Limited Vs. Pranay Sethi and others*' **2017(4) RCR (Civil) 1009**, is Rs.18,150/-. Besides the same, even under the count of 'loss of estate', same amount is payable at present. Also, as per '*Pranay Sethi's case (supra)*', on the count of 'loss of consortium', both the appellants, who are sons of the deceased, are entitled for an amount of Rs.48,400/- each (inclusive of enhanced amount of 10%, after every 3 years, after pronouncement of the judgment).

In view of the aforesaid, the appellants are held entitled to amount of Rs.1,33,100/- (48,400 + 48,400 + 18,150 + 18,150) in equal proportion.

After deducting an amount of Rs.4,500/-, which has already been awarded by learned Tribunal, from Rs.1,33,100/-, the appellants are

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entitled to an amount of Rs.1,28,600/-. The enhanced amount shall be payable by the Insurance Company, within a period of four weeks. On the enhanced amount, the appellants shall be held liable to the interest @ 6% per annum, from the date of filing of the appeal. In case of any default on the part of the Insurance Company, to make the payment in the given period, it shall be liable to pay penal interest @ 8% per annum, till realization.

In view of the aforesaid terms, the FAO stands allowed.

23.01.2026

Sonu Saini

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No