



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

**FAO-5425-2022 (O&M)**  
**Date of Decision: January 29, 2026**

Kamla and others

...Appellants

VERSUS

Munish and another

...Respondents

**CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present: Ms.Kamlesh, Advocate for  
Mr.Shalender Mohan, Advocates  
for the appellants.

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**ARCHANA PURI, J.**

**CMs-18055-18056-18057-2022**

Along with the appeal for seeking enhancement of compensation, the applications have been filed for seeking condonation of delay of 25 days in filing the appeal as well as 58 days in re-filing the appeal, as well as for impleadment of LRs of appellant No.2-Suresh.

Keeping in view the averments made in the application i.e. CM-18056-CII-2022, vis-a-vis, death of Suresh Kumar, which is supported by an affidavit of Kamla, wife of Suresh, the same is allowed and the LRs i.e. wife and daughter, as detailed in paragraph No.2 of the application, are hereby impleaded as LRs of Suresh, for the disposal of the main appeal.

Further, keeping in view the averments made in other two applications, the same are allowed and the delay of 25 days in filing the

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appeal as well as 58 days in re-filing the appeal, are hereby condoned.

**FAO-5425-2022 (O&M)**

The present appeal has been filed by the appellants-claimants, thereby, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, on account of death of Lakhan, in a motor vehicular accident.

Suffice to consider that the accident had taken place on 02.06.2019. On appraisal of the evidence, brought on record, it was concluded by learned Tribunal that accident had taken place, due to rash and negligent driving of the Hyundai i10 car bearing registration No.DL-3CBF-9257, driven by respondent No.1-Munish.

Perusal of the impugned Award reveals about the liability was fastened upon respondent No.2-Reliance General Insurance Company. As such, for the time being, at this stage, notice is issued to respondent No.2.

At this stage, Mr.Nigam K. Bhardwaj, Advocate, on the asking of the Court, accepts notice on behalf of the insurance company. As such, formal notice is dispensed with.

On appraisal of the evidence, brought on record, it was held by learned Tribunal that deceased was 19 years old, at the relevant time. Considering the deceased to be an unskilled labour, as per Haryana Government Notification No.I.R.-2/2019/6336-6465 dated 15.02.2019, his earnings were taken as Rs.8827.40 per month, which was rounded off as Rs.9000/- per month, annual whereof is Rs.1,08,000/-.

Addition of 40% was made, on the count of 'future prospects' i.e. Rs.43,200/- and the loss of dependency was worked upon as Rs.1,51,200/- per annum. Deduction to the extent of 1/2 was made, on the



count of ‘personal expenses’, as the deceased was a bachelor and the residue loss of dependency was assessed as Rs.75,600/. Multiplier of ‘18’ was applied and the compensation was worked upon as Rs.13,60,800/-.

Besides the aforesaid, another amount of Rs.16,500/- each was awarded, on each count of ‘funeral expenses’ and ‘loss of estate’. Further, on the count of ‘loss of consortium’, an amount of Rs.44,000/- each was awarded. Thus, the compensation worked upon by learned Tribunal in paragraph No.26, is reproduced herein:-

| Sr.No. | Head under which amount awarded           | Amount                |
|--------|-------------------------------------------|-----------------------|
| 1.     | Loss of dependency                        | Rs.13,60,800/-        |
| 2.     | Transportation & Last Rites expenses      | Rs.16,500/-           |
| 3.     | Compensation on account of loss of estate | Rs.16,500/-           |
| 4.     | Compensation on account of consortium     | Rs.88,000/-           |
|        | <b>Total</b>                              | <b>Rs.14,81,800/-</b> |

However, the ‘work on’ of the compensation, do call for re-computation.

It is the categoric claim that the deceased was working as mason as well as indulging in dairy farming and was earning Rs.40,000/- per month. So far as, dairy farming is concerned, absolutely, no evidence, as such, has come on record. There is oral evidence in this regard coming forth. However, the earnings, as such, have been taken by learned Tribunal as Rs.9000/- per month, which is on a lower side.

Considering the minimum wages, prevalent at the relevant time, of a skilled worker, earnings of the deceased are taken as Rs.10,729/- per month, annual whereof is Rs.1,28,748/-. Considering the martial status of the deceased, deduction to the extent of 1/2 has to be made. Considering the age



of the deceased, on the count of ‘future prospects’, addition of 40% ought to be made and appropriate multiplier is ‘18’, as applied by learned Tribunal.

Besides the same, as per *Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130*, the claimants are entitled to compensation, on the count of ‘loss of consortium, be it ‘filial’, ‘spousal’ or ‘parental’, which also comprehends ‘loss of love and affection’. As per *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, the minimum amount payable is Rs.40,000/-. While applying enhancement clause to the extent of 10%, after every three years of passing of the judgment, the amount of compensation payable is Rs.48,400/- i.e.  $Rs.48,400 \times 2 = Rs.96,800/-$ . Even, on the count of ‘loss of estate’ and ‘funeral expenses’, the amount now payable is **Rs.18,150/-** on each count.

Considering the same, the compensation payable to appellants-claimants, on account of death of Lakhan is re-computed, as herein given:-

|                    |                                        |
|--------------------|----------------------------------------|
| Loss of dependency | Rs.1,28,748/-                          |
| Deduction of 1/2   | $Rs.1,28,748 - 64,374 = Rs.64,374/-$   |
| Addition of 40%    | $Rs.64,374 + 25,749 = Rs.90,123/-$     |
| Multiplier of ‘18’ | $Rs.90,123 \times 18 = Rs.16,22,214/-$ |
| Loss of consortium | <b>Rs.96,800/-</b>                     |
| Loss of estate     | <b>Rs.18,150/-</b>                     |
| Funeral expenses   | <b>Rs.18,150/-</b>                     |
| Total              | <b>Rs.17,55,314/-</b>                  |

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.17,55,314-14,81,800=Rs.2,73,514/-**. On the enhanced amount of the compensation i.e. **Rs.2,73,514/-**, the appellants-claimants, shall be entitled to the interest, at



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the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation. The enhanced amount of compensation shall be disbursed to the appellants-claimants No.1 and 3, in equal shares, who are also legal heirs of deceased Suresh (appellant-claimant No.2).

The impugned Award dated 05.04.2022 stands modified, to the extent, as indicated aforesaid. With the above observations, the present appeal stands allowed.

January 29, 2026  
Vgulati

(ARCHANA PURI)  
JUDGE

Whether speaking/reasoned  
Whether reportable

Yes  
Yes/No