

2026:PHHC:025672



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO NO. 1897-2010 (O&M)

SUNITA AND ORS.Appellants

Vs.

RAJ PAL SINGH AND ORS.Respondents

1	<i>The date when the judgment was reserved</i>	<i>04.02.2026</i>
2	<i>The date when the judgment is pronounced</i>	<i>18.02.2026</i>
3	<i>The date when the judgment is uploaded on the website</i>	<i>18.02.2026</i>
4	<i>Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced</i>	<i>Full</i>
5	<i>The delay, if any, of the pronouncement of full judgment, and reasons thereof.</i>	<i>Not applicable</i>

CORAM: HON’BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Munish Garg, Advocate and
Mr. Yuwan Singla, Advocate for the appellants.

Mr. Vikas Mohan Gupta, Advocate for respondent No. 3

HARKESH MANUJA, J.

1. By way of present appeal, challenge has been laid to an award dated 15.10.2009 passed by the learned Motor Accident Claims Tribunal, Jind (for brevity, “the Tribunal”), whereby an amount of Rs.11,15,000/- was awarded as compensation to the appellants/claimants along with interest @ 7.5% per annum

from the date of filing of claim petition till its realization on account of death of Jagdish in a motor vehicular accident, that occurred on 21.01.2009.

2. Since the sole issue for determination in the present appeal is confined to the quantum of compensation awarded by the learned Tribunal, a detailed narration of the facts of the case is omitted herein for the sake of brevity.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR THE APPELLANTS

3. Ld. Counsel for the appellants/claimants assailed the award by submitting that the deceased Jagdish was employed as a lineman in B.S.N.L. Pillukhera earning Rs.13,406/- per month and the ld. Tribunal erred in assessing the monthly income at the rate Rs.10,385/-. Learned counsel further argued that amount awarded under the conventional heads as well as the rate of interest awarded on the compensation was also on the lower side. On the said grounds, reassessment and enhancement of compensation was prayed.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR RESPONDENT No.3/INSURANCE COMPANY

4. Per contra, learned counsel representing respondent No.3/Insurance Company neither refuted the factum of accident nor even the negligence of the offending vehicle, however submitted that in the facts of the present case, the compensation assessed by the learned Tribunal called for no interference.

DISCUSSION

5. I have heard learned counsels for the parties and perused the paper-book of the case. I find force in the arguments advanced by learned Counsel for the appellants.

QUESTION REGARDING AGE OF THE DECEASED

6. As regards the age of the deceased, Id. Tribunal rightly discarded the Post-Mortem Report(Ex. P1) and ration card(Ex. P3) and relied upon the service records(Ex. P4), being the most genuine and reliable evidence. Service records are prepared on the basis of verified documents furnished by the employee himself at the time of entry into service and constitute a true reflection of his age, by which he is bound by the principle of estoppel. In contrast, the age noted in a Post-Mortem Report is often based on statements of others or mere approximation and lacks certainty. In the present case, service record mentions the date of birth as 07.05.1960 and, since Jagdish(deceased) expired on 21.01.2009, his age at the time of death is correctly determined as 48 years and 8 months. Accordingly, by applying law laid down in *Smt. Sarla Verma case & Ors. Vs. Delhi Transport Corporation & Anr.*, reported as (2009)6 SCC 121, multiplier of 13 will be appropriate.

QUESTION OF INCOME ASSESSED

7. In the present case, in view of the statement of Smt. Sunita (wife of deceased) while deposing as PW-4 it was submitted that the deceased was a government employee working as a lineman in BSNL earning Rs. 26,000/- per month. In addition, Jitender Kumar, Senior Telephone Officer Assistant (Legal Cell), office of GMTD (BSNL), Jind, while deposing as PW-5 proved on record the service book of the deceased (Ex. P4), Salary certificate (Ex.P5) and last pay drawn certificate (Ex. P6). A perusal of these records clearly reveals that the gross total monthly income of the deceased Jagdish at the time of his death was Rs.13,406/-. However Id. Tribunal while assessing the monthly income @ Rs.10,786/- relied upon his carry home salary after deducting GPF, GSLIS, Union subsc. etc. In the considered opinion of this Court, Id. Tribunal erred in

making such deductions while determining the income. Accordingly, this Court finds it just and proper to assess the monthly income of the deceased at Rs.13,406/-.

8. Further, the appellant-claimants No. 1 to 5 are the widow, two minor daughters, and two sons of the deceased. From a sociological standpoint, the deceased, being the father of two minor daughters, would have invariably prioritised setting aside financial resources to secure their future. In the prevailing social milieu, a father shoulders a continuing responsibility not merely towards day-to-day sustenance, but also towards ensuring better upbringing, education, marriage and other essential social obligations of his daughters. Such responsibilities compel a prudent parent to restrict personal expenditure and allocate a substantial portion of income for the long-term welfare of the children. Although the law laid down in *Sarla Verma (supra)* prescribes that where the number of dependents ranges between four to six, a deduction of one-fourth of the income towards the personal expenses of the deceased is ordinarily applied, the judgment itself clarifies that such deduction is not an inflexible or rigid rule. Relevant extract is reproduced hereunder:-

“13. But, such percentage of deduction is not an inflexible rule and offers merely a guideline. In Susamma Thomas, it was observed that in the absence of evidence, it is not unusual to deduct one-third of the gross income towards the personal living expenses of the deceased and treat the balance as the amount likely to have been spent on the members of the family/dependants. In UPSRTC v. Trilok Chandra [1996(4) SCC 362], this Court held that if the number of dependents in the family of the deceased was large, in the absence of specific evidence in regard to contribution to the family, the Court may adopt the unit method for arriving at the contribution of the deceased to his family. By this method, two units is allotted to each adult and one unit is allotted to each minor, and total number of units are determined. Then the income is divided by the total number of units. The quotient is multiplied by two to arrive at the personal living expenses of the deceased. This Court gave the following illustration :

"X, male, aged about 35 years, dies in an accident. He leaves behind his widow and 3 minor children. His monthly income was Rs. 3500. First, deduct the amount spent on X every month. The rough and ready method hitherto adopted where no definite evidence was forthcoming, was to break up the family into units, taking two units for an adult and one unit for a minor. Thus X and his

wire make $2+2=4$ units and each minor one unit i.e. 3 units in all, totaling 7 units. Thus the share per unit works out to Rs. $3500/7 = \text{Rs. } 500$ per month. It can thus be assumed that Rs. 1000 was spent on X. Since he was a working member some provision for his transport and out-of-pocket expenses has to be estimated. In the present case we estimate the out-of-pocket expense at Rs. 250. Thus the amount spent on the deceased X works out to Rs. 1250 per month per month leaving a balance of Rs. $3500-1250 = \text{Rs. } 2250$ per month. This amount can be taken as the monthly loss of X's dependents."

In Fakeerappa v. Karnataka Cement Pipe Factory, 2004(2) RCR (Civil) 619 : 2004(2) SCC 473, while considering the appropriateness of 50% deduction towards personal and living expenses of the deceased made by the High Court, this Court observed :

"What would be the percentage of deduction for personal expenditure cannot be governed by any rigid rule or formula of universal application. It would depend upon circumstances of each case. The deceased undisputedly was a bachelor. Stand of the insurer is that after marriage, the contribution to the parents would have been lesser and, therefore, taking an overall view the Tribunal and the High Court were justified in fixing the deduction."

In the humble opinion of this court, the present cases stands on exceptional footing and thus in view of the aforesaid and having regard to the social obligations and the pressing future needs of two minor daughters, this Court deems it just and appropriate to apply a deduction of $1/5^{\text{th}}$ towards the personal expenses of the deceased.

QUESTION OF FUTURE PROSPECTS

9. The deceased at the time of death was 48 years and 8 months and was serving as a salaried government employee in the capacity of a Lineman with BSNL. Thus, having regard to the law laid down in "***National Insurance Co. Ltd. vs. Pranay Sethi and others***" reported as (2017) 16 SCC 680, this court deems it just and appropriate to grant 30% of the actual salary of deceased towards future prospects.

QUESTION OF COMPENSATION UNDER CONVENTIONAL HEADS

10. Furthermore, in view of the judgment of the Hon'ble Apex Court in ***Smt. Sarla Verma's case (supra)***, ***Pranay Sethi's case (supra)*** and ***United India Insurance Co.Ltd. vs. Satinder Kaur***", reported as (2021) 11 SCC 780,

compensation awarded under conventional heads are also required to be assessed accordingly. Appellants/claimants are thus, held entitled for Rs. 18,000/- as compensation under funeral head and Rs. 18,000/- towards loss of estate. Loss of Consortium is assessed to the tune of Rs.2,40,000 (48,000 x 5) as claimants being the widow, two minor daughters and 2 sons are entitled to spousal and parental consortium.

CONCLUSION

11. In view of the discussion made hereinabove, the appellant/claimant is held entitled for the grant of compensation in the following manner:-

S.No.	Nature	Amount (in Rs.)
1.	Annual Income of Deceased (monthly income Rs.13,406/-).	Rs. 1,60,872/-
2.	Deduction (1/5 th)	Rs. 32,174.4/-
3.	Net Income (Rs.1,60,872-Rs.32,174.4)	Rs. 1,28,697.6/-
4.	Future Prospects (30%)	Rs. 38,609.28/-
5.	Total Income (Rs.1,28,697.6+Rs. 38,609.28)	Rs. 1,67,306.88/-
6.	Loss of Income after applying multiplier of 13 as per the age of 48 years (1,67,306.88 x 13)	Rs. 21,74,989.44/-
7.	Loss of estate	Rs. 18,000/-
8.	Funeral Expenses	Rs. 18,000/-
9.	Loss of Consortium (48,000 x 5)	Rs. 2,40,000/-
10.	Total compensation	Rs. 24,50,989.44/- rounded of to Rs. 24,50,990/-
11.	Amount Awarded by the Tribunal	Rs. 11,15,000/-
12.	Enhanced Compensation	Rs. 13,35,990/-

Thus the appellants/claimants shall be entitled for enhanced compensation in the proportion already granted by the Tribunal.

12. The grant of interest @ 7.5% per annum is not equitable and just in view of the observations made by the Hon'ble Supreme Court in "Smt. Supe Dei and others vs. National Insurance Company Limited and other, reported as (2009) (4) SCC 513 approved in a subsequent judgment titled as "Puttamma and others vs. K.L. Narayana Reddy and another, 2014 (1) RCR (Civil) 443, thus, the interest is enhanced to 9% per annum on the amount of compensation awarded to the claimants from the date of institution of claim petition till its realization. In case the said amount is not paid within three months, the same shall be payable thereafter along with 12% interest from the expiry of period of three months from today. Needless to mention here that the amount of compensation already paid to the claimant shall be deducted from the enhanced compensation.

13. In view of the aforesaid modification, the present appeal stands disposed of. Pending miscellaneous application(s), if any, shall also stand disposed of.

February 18, 2026
sonika

(HARKESH MANUJA)
JUDGE

- | | |
|--------------------------------|--------|
| (i) Whether reasoned/speaking? | Yes/No |
| (ii) Whether reportable? | Yes/No |