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

Sr. No.138

FAO-6734-2010 (O&M)
Date of Decision: 25.02.2026

SATISH KUMAR AND ANOTHER

....Appellants

Versus

RAM CHANDER AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Bhumika Khatri, Advocate for
Mr. R.D. Yadav, Advocate
for the appellants.

Mr.Amit Jailswal, Advocate
for respondent No.3-Insurance Company.

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ARCHANA PURI, J. (Oral)

CM-29027-CII-2010

Keeping in view the averments made in the application, same is allowed.

Main case

The present appeal has been filed by the appellants/claimants for seeking enhancement of compensation, awarded by learned Motor Accident Claims Tribunal, on account of death of their son, Mahesh Kumar, in a motor vehicular accident.

Suffice to consider, the accident had taken place on the intervening night of 10th and 11th September, 2009. So far as the age of the

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deceased is concerned, it is not disputed that he was 20 years old, at the relevant time. It was the pleaded case of the appellants about the deceased to be employed in M/s Ess Ess Industries, Manesar and earning Rs.6,625/- per month. However, on the basis of the evidence brought on record, more particularly, considering the statement of Satpal Yadav, Manager of the aforesaid firm, PW3, who proved the service certificate as Ex.PW3/A and salary slip as Ex.PW3/B, the monthly earnings were proved to be Rs.3,928/-, which was rounded off as Rs.3,900/- per month. As such, it was taken as monthly salary of the deceased. 1/3rd was deducted on the count of 'personal expenses', which was to the extent of Rs.1,300/- and as such, the monthly loss of dependency was worked upon as Rs.2,600/-, the annual whereof comes to Rs.31,200/-. Multiplier of '15' was applied and the compensation was worked upon as Rs.4,68,000/- (31,200 x 15).

Besides the aforesaid, another amount of Rs.10,000/- was awarded, on the count of 'funeral expenses etc.'. As such, the total compensation worked by learned Tribunal, is reproduced in tabular form, as hereingiven:-

Earnings assessed	Rs. 3,900/-
Deduction (1/3rd)	Rs. 1,300/-
Amount after deduction (monthly)	Rs.2,600/- (3,900 – 1,300)
Loss of dependency (Annual)	Rs. 31,200/- (2,600 x 12)
Multiplier applied (15)	Rs. 4,68,000/- (31,200 x 15)
Funeral expenses	Rs. 10,000/-
Total	Rs.4,78,000/-

However, the compensation aforesaid, do call for recomputation, as per the prevalent settled law.

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So far as, the extent of earnings of the deceased taken as Rs.3,900/-, is concerned, the same is not disputed, as the same has been appropriately considered, on the basis of the evidence brought on record. However, considering the marital status of the deceased, deduction ought to have been 50%, instead of 1/3rd and taking it to be so, the loss of monthly dependency works upon as Rs.1,950/-. Considering the vocation followed by the deceased, addition of 40%, on the count of 'future prospects', ought to be made, which is to the extent of Rs.780/-. After adding the same, the monthly 'loss of dependency' works upon as Rs.2,730/- (1,950 + 780), annual whereof comes to Rs.32,760/-. Also, multiplier of '15' had been applied by learned Tribunal, whereas, as per the prevalent law, it ought to be '18'. Applying the same, the compensation works upon as Rs.5,89,680/- (32,760 x 18).

Besdies the aforesaid, as per '***National Insurance Company Limited Vs. Pranay Sethi and others' 2017(4) RCR (Civil) 1009***, considering the base amount of Rs.40,000/-, to be paid on the count of 'loss of consortium', which is having a clause of 10% enhancement, after every 3 years of pronouncement of the judgment, now, the amount payable to each dependent is Rs.48,400/-. While taking it to be so, the amount on the count of 'loss of consortium' works upon as Rs.96,800/- (48,400 x 2). As per the ***'Magma General Insurance Co. Ltd. V/s. Nanu Ram @ Chuhru Ram and others' 2018 (4) RCR (Civil) 333***, the 'loss of consortium' also comprehends love and affection and therefore, no separate amount is to be awarded on the said count, as claimed by the appellants. Besides the same, even under the count of 'loss of estate', as well as 'funeral expenses', an

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amount of Rs.36,300/- (18,150 x 2), is payable at present. Thus, the total compensation, now awarded, is reproduced in tabular form, as hereingiven:-

Earnings assessed	Rs. 3,900/-
Deduction (50%)	Rs. 1950/-
Furutre prospects (40%)	Rs. 2,730/- (1,950 + 780), annual whereof comes to Rs.32,760/-
Loss of dependency (Annual)	Rs. 32,760/- (2,730 x 12)
Multiplier applied (18)	Rs. 5,89,680/- (32,760 x 15)
Loss of consortium	Rs. 96,800/- (48,400 x 2)
Loss of estate	Rs. 18,150/-
Funeral expenses	Rs. 18,150/-
Total	Rs.7,22,780/-

After deducting an amount of Rs.4,78,000/-, which has already been awarded by learned Tribunal, from Rs.7,22,780/-, the appellants are entitled to enhanced amount of Rs.2,44,780/-. The remaining terms of the Award shall remain the same. The enhanced amount shall be payable by the Insurance Company, within a period of 45 days. 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.

(ARCHANA PURI)
JUDGE

25.02.2026
Himanshu Vats

Whether speaking/reasoned : Yes

Whether reportable : Yes/No

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