



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-1787-2012 (O&M)

MANJIT KAUR AND ORS.

.....Appellants

vs.

RAJINDER KUMAR & ORS.

.....Respondents

Reserved on:- 15.05.2026

Pronounced on:- 22.05.2026

Uploaded on:- 26.05.2026

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. Ashwani Arora, Advocate
for the appellants.

Mr. Amandeep Singh Saini, Advocate
for respondent No.1.

Mr. Kuldeep Singh Saini, Advocate
for respondent No.2.

Mr. Vipul Sharma, Advocate
Mr. Paul S. Saini, Advocate
for respondent No.3-Insurance Company.

SUDEEPTI SHARMA, J.

1. The present appeal has been filed by the appellants-claimants against the award dated 12.11.2011 passed in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the Motor Accident Claims Tribunal, Ropar (for short, 'the Tribunal'), wherein the claim petition filed by the claimants-appellants was allowed and respondents



were held liable to pay compensation, jointly and severally. The award is challenged on the ground that contributory negligence was wrongly attributed at the ratio of 50% upon deceased-Karamjit Singh and 50% upon respondent No.2-driver of the offending vehicle and the quantum of compensation awarded by the Tribunal, which is on the lower side.

2. As sole issue for determination in the present appeal is confined to quantum of compensation, a detailed narration of the facts of the case is not required to be reproduced and is skipped herein for the sake of brevity.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES:

3. Learned counsel for the appellants–claimants contends that the learned Tribunal has committed error in law and on facts in holding that the accident in question occurred due to contributory negligence on the part of both the deceased-Karamjit Singh and respondent No.2-driver of the offending vehicle. He contends that the said finding is perverse, arbitrary, and not borne out from the evidence available on record.

4. He further contends that the amount of compensation awarded by the learned Tribunal is on the lower side and deserves to be enhanced. He, therefore, prays that the present appeal be allowed.

5. Per contra, learned counsel for respondents No.1 and 2 however, vehemently argues that the award has rightly been passed and the amount of compensation, as assessed by the learned Tribunal has rightly been granted. Therefore, he prays for dismissal of the appeal.

6. Learned counsel for respondent No.3-Insurance Company contends as under:-



- i. That the learned Tribunal has erred in fastening liability upon the appellant-Insurance Company despite the fact that the owner of the offending vehicle did not possess the valid route permit to ply the offending vehicle.
- ii. That deviation from prescribed route as per the permit granted by the Transport Authority is violation of the terms of insurance policy, therefore, the liability to pay compensation be affixed on owner and driver of the offending vehicle and he filed separate appeal i.e. FAO-1645-2012, titled as “National Insurance Company Ltd. Vs. Manjit Kaur and others”, challenging the award. He, therefore, prays for dismissal of the present appeal.

7. I have heard learned counsel for the parties and perused the whole case file with their able assistance.

8. A careful perusal of the award reveals that the conclusion regarding contributory negligence is wholly unsustainable in the eyes of law and contrary to the evidence available on record. The learned Tribunal has failed to appreciate the oral as well as documentary evidence in its proper perspective and has erroneously attributed 50% contributory negligence to the deceased.

9. The entire reasoning of the learned Tribunal proceeds on conjectures and surmises rather than on legally admissible evidence. Merely because the motorcycle had struck against the stationary truck, the learned Tribunal presumed that the deceased was driving the motorcycle at a high speed and in a rash manner. There is, however, no cogent evidence on record to establish either excessive speed or rash and



negligent driving on the part of the deceased. The finding that “had the motorcycle been driven at a nominal speed, the impact would not have been fatal” is based purely on assumption and not on any substantive evidence.

10. On the contrary, the factual position emerging from the record is that the offending truck was parked on the road during night hours without any parking lights, indicators or warning signals. Even as per the reasoning adopted by the learned Tribunal itself, the truck had been stationed near the turning point without proper indication. Once this fact stood established, the primary negligence clearly rested upon the driver of the offending truck, who created a hazardous obstruction on the roadway in violation of statutory safety requirements.

11. It is a settled principle of law that parking a vehicle on a public road without taking adequate precautions, particularly during night hours, such as switching on parking lights or placing reflectors or warning indicators, in itself constitutes actionable negligence, as it creates a latent and dangerous obstruction for other road users. At this stage, reliance can be placed upon the recent judgment of the Hon’ble Supreme Court in **Sushma vs. Nitin Ganapati Rangole & Ors., 2024 SCC OnLine SC 2584,** wherein it has been held as under:

*“16. **Having considered the submissions** advanced by learned counsel for the parties and after going through the impugned judgements passed by the High Court and the Tribunal as well as upon appreciating the material placed on record, we feel that the contentious finding whereby, the driver of the car, namely, Saiprasad Karande (deceased) was held jointly responsible for causing the accident along with the*



driver/owner of the offending truck leading to the claims of the passenger-Sushma & dependants of the deceased-passengers being deducted by 50% on the principle of contributory negligence is perverse on the face of the record.

26. We shall briefly refer to the statutory provisions applicable to the situation at hand.

27. A highway or a road is a public place as defined in Section 2(34) of the Act: -

"2(34) "public place" means a road, street, way or other place, whether a thoroughfare or not, to which the public have a right of access, and includes any place or stand at which passengers are picked up or set down by a stage carriage;"

28. Section 121 of the Act provides that the driver of a motor vehicle shall make such signals and, on such occasions, as may be prescribed by the Central Government.

29. Section 122 of the Act provides that no person in charge of a motor vehicle shall cause or allow the vehicle or any trailer to be abandoned or to remain at rest on any "public place" in such a position or in such a condition or in such circumstances so as to cause or likely to cause danger, obstruction or undue inconvenience to other users of the public place or to the passengers.

30. Section 126 of the Act provides that no person driving or in charge of a motor vehicle shall cause or allow the vehicle to remain stationary in any public place.

31. Section 127(2) of the Act provides that where any abandoned, unattended, wrecked, burnt or partially dismantled vehicle is creating a traffic hazard, because of its position in relation to the public place, or its



physical appearance is causing the impediment to the traffic, its immediate removal from the public place by a towing service may be authorised by a police officer having jurisdiction.

32. Regulation 15 of the Rules of Road Regulation, 1989 which were prevailing on the date of the incident provides that every driver of a motor vehicle shall park the vehicle in such a way that it does not cause or is not likely to cause danger, obstruction or undue inconvenience to other road users. It casts a duty on the drivers of a motor vehicle stating that the vehicle shall not be parked at or near a road crossing or in a main road.

33. These legal provisions leave no room for doubt that the person in control of the offending truck acted in sheer violation of law while abandoning the vehicle in the middle of the road and that too without taking precautionary measures like switching on the parking lights, reflectors or any other appropriate steps to warn the other vehicles travelling on the highway. Had the accident taken place during the daytime or if the place of accident was well illuminated, then perhaps, the car driver could have been held equally responsible for the accident by applying the rule of last opportunity. But the fact remains that there was no illumination at the accident site either natural or artificial. Since the offending truck was left abandoned in the middle of the road in clear violation of the applicable rules and regulations, the burden to prove that the placement of the said vehicle as such was beyond human control and that appropriate precautionary measures taken while leaving the vehicle in that position were essentially on the person in control of the offending truck. However, no evidence was led by the person having control over



the said truck in this regard. Thus, the entire responsibility for the negligence leading to the accident was of the truck owner/driver.

34. In view of the above discussion, the view expressed by the High Court that if the driver of the car had been vigilant and would have driven the vehicle carefully by following the traffic rules, the accident may have been avoided is presumptuous on the face of the record as the same is based purely on conjectures and surmises. Nothing on record indicates that the car was being driven at an excessively high speed or that the driver failed to follow the traffic rules. The High Court recorded an incongruous finding that if the offending truck had not been parked on the highway, the accident would not have happened even if the car was being driven at a very high speed. Therefore, the reasoning of the High Court on the issue of contributory negligence is riddled with inherent contradictions and is paradoxical.

35. The Courts below erred in concluding that it is a case of contributory negligence, because in order to establish contributory negligence, some act or omission which materially contributed to the accident or damage should be attributed to the person against whom it is alleged.

*36. In the case of **Pramodkumar Rasikbhai Jhaveri v. Karmasey Kunvargi Tak**, (2002) 6 SCC 455, this Court while referring to a decision of the High Court of Australia in **Astley v. Austrust Ltd.**, (1999) 73 ALJR 403, went on to hold that: -*

"... where, by his negligence, if one party places another in a situation of danger which compels that other to act quickly in order to extricate himself, it does not amount to contributory



negligence, if that other acts in a way which, with the benefit of hindsight is shown not to have been the best way out of the difficulty."

37. In the very same judgment, this Court also referred to and approved the view taken in **Swadling v. Cooper, 1931 AC 1**, as below: -

"Mere failure to avoid the collision by taking some extra ordinary precaution, does not in itself constitute negligence."

(emphasis supplied)

40. On a holistic analysis of the material available on record, it is established beyond the pale of doubt that the offending truck was parked in the middle of the road without any parking lights being switched on and without any markers or indicators being placed around the stationary vehicle so as to warn the incoming vehicular traffic. This omission by the person in control of the said truck was in clear violation of law. The accident took place on a highway where the permissible speed limits are fairly high. In such a situation, it would be imprudent to hold that the driver of a vehicle, travelling through the highway in the dead of the night in pitch dark conditions, would be able to make out a stationary vehicle lying in the middle of the road within a reasonable distance so as to apply the brakes and avoid the collision. The situation would be compounded by the headlights of the vehicles coming from the opposite direction and make the viewing of the stationary vehicle even more difficult. Thus, the conclusion drawn by the Courts below that the driver of the car could have averted the accident by applying the brakes and hence, he was equally negligent and contributed to the accident on the application of principle of last opportunity is *ex-facie* perverse and



cannot be sustained. Hence, it is a fit case warranting exercise of this Court's powers under Article 136 of the Constitution of India to interfere with the concurrent finding of facts.”

12. The aforesaid judgment clearly enunciates that leaving a vehicle unattended on a public road without adequate warning measures amounts to negligence.

13. The learned Tribunal further erred in drawing an adverse inference against the deceased while simultaneously noticing that the driver of the offending truck did not even step into the witness box to prove that the vehicle had been parked with proper parking lights or warning indicators. In fact, the burden to establish compliance with statutory safety norms was upon the driver and owner of the offending vehicle, which burden remained completely undischarged.

14. It is further significant that neither any specific plea of contributory negligence was raised by the appellant-Insurance Company nor any issue to that effect was framed by the learned Tribunal. In absence of pleadings, issue and evidence, the plea of contributory negligence could not have been legally entertained by the learned Tribunal. The finding recorded in this regard, therefore, travels beyond the pleadings of the parties and is liable to be set aside on this ground alone.

15. In **M. Nithya & Ors. vs. SBI General Insurance Co. Ltd., arising out of SLP (Civil) No. 833-834 of 2023**, the Hon'ble Supreme Court categorically held that where no issue regarding contributory negligence had been framed by the Tribunal, the High Court ought not to entertain such plea for reducing the compensation. The principle laid down therein squarely applies to the facts of the present case.



16. Further support is drawn from the judgment in **Shammi Sharma and others versus Randhir Singh and others, Law Finder Doc ID #2800787**, wherein it was held that where a truck was stationed on the road/highway without parking lights and without taking precautions mandated under the Motor Vehicles Act and Rules, the driver and owner of the offending vehicle were liable for negligence. It was further held that failure to comply with statutory safety requirements constitutes actionable negligence on the part of the driver of the parked vehicle.

17. In the present case also, the offending truck was admittedly parked on the road at night without any warning indication or parking lights. Such negligent parking created a grave hazard to other users of the road and was the direct and proximate cause of the accident. The learned Tribunal, therefore, gravely erred in attributing contributory negligence to the deceased merely on the basis of conjectural reasoning unsupported by evidence.

18. In view of the aforesaid discussion, the findings recorded by the learned Tribunal on the issue of contributory negligence are hereby set aside. It is held that the accident in question occurred solely due to the rash and negligent act of the driver of the offending truck, who had parked the vehicle on the road without any indication or warning signals during night hours.

19. Accordingly, the impugned finding on contributory negligence is set aside.

20. So far as, enhancement of compensation is concerned same has been dealt with after taking into account settled law on compensation.

**SETTLED LAW ON COMPENSATION**

21. Hon'ble Supreme Court has settled the law regarding grant of compensation with respect to the disability. The Apex Court in the case of **Raj Kumar Vs. Ajay Kumar and Another (2011) 1 Supreme Court Cases 343**, has held as under:-

General principles relating to compensation in injury cases

5. *The provision of the Motor Vehicles Act, 1988 ('Act' for short) makes it clear that the award must be just, which means that compensation should, to the extent possible, fully and adequately restore the claimant to the position prior to the accident. The object of awarding damages is to make good the loss suffered as a result of wrong done as far as money can do so, in a fair, reasonable and equitable manner. The court or tribunal shall have to assess the damages objectively and exclude from consideration any speculation or fancy, though some conjecture with reference to the nature of disability and its consequences, is inevitable. A person is not only to be compensated for the physical injury, but also for the loss which he suffered as a result of such injury. This means that he is to be compensated for his inability to lead a full life, his inability to enjoy those normal amenities which he would have enjoyed but for the injuries, and his inability to earn as much as he used to earn or could have earned. (See C.K. Subramonia Iyer v. T. Kunhikuttan Nair, AIR 1970 Supreme Court 376, R.D. Hattangadi v. Pest Control (India) Ltd., 1995 (1) SCC 551 and Baker v. Willoughby, 1970 AC 467).*

6. *The heads under which compensation is awarded in personal injury cases are the following :*

Pecuniary damages (Special Damages)

(i) *Expenses relating to treatment, hospitalization, medicines, transportation, nourishing food, and miscellaneous expenditure.*

(ii) *Loss of earnings (and other gains) which the injured would have made had he not been injured, comprising :*

(a) *Loss of earning during the period of treatment;*

(b) *Loss of future earnings on account of permanent disability.*

(iii) *Future medical expenses. Non-pecuniary damages (General Damages)*

(iv) *Damages for pain, suffering and trauma as a consequence of the injuries.*

(v) *Loss of amenities (and/or loss of prospects of marriage).*

(vi) *Loss of expectation of life (shortening of normal longevity).*



In routine personal injury cases, compensation will be awarded only under heads (i), (ii)(a) and (iv). It is only in serious cases of injury, where there is specific medical evidence corroborating the evidence of the claimant, that compensation will be granted under any of the heads (ii)(b), (iii), (v) and (vi) relating to loss of future earnings on account of permanent disability, future medical expenses, loss of amenities (and/or loss of prospects of marriage) and loss of expectation of life.

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19. We may now summarise the principles discussed above :

(i) All injuries (or permanent disabilities arising from injuries), do not result in loss of earning capacity.

(ii) The percentage of permanent disability with reference to the whole body of a person, cannot be assumed to be the percentage of loss of earning capacity. To put it differently, the percentage of loss of earning capacity is not the same as the percentage of permanent disability (except in a few cases, where the Tribunal on the basis of evidence, concludes that percentage of loss of earning capacity is the same as percentage of permanent disability).

(iii) The doctor who treated an injured-claimant or who examined him subsequently to assess the extent of his permanent disability can give evidence only in regard the extent of permanent disability. The loss of earning capacity is something that will have to be assessed by the Tribunal with reference to the evidence in entirety.

(iv) The same permanent disability may result in different percentages of loss of earning capacity in different persons, depending upon the nature of profession, occupation or job, age, education and other factors.

20. The assessment of loss of future earnings is explained below with reference to the following

Illustration 'A' : *The injured, a workman, was aged 30 years and earning Rs. 3000/- per month at the time of accident. As per Doctor's evidence, the permanent disability of the limb as a consequence of the injury was 60% and the consequential permanent disability to the person was quantified at 30%. The loss of earning capacity is however assessed by the Tribunal as 15% on the basis of evidence, because the claimant is continued in employment, but in a lower grade. Calculation of compensation will be as follows:*

a) Annual income before the accident : Rs. 36,000/-.

b) Loss of future earning per annum

(15% of the prior annual income) : Rs. 5400/-.

c) Multiplier applicable with reference to age : 17

d) Loss of future earnings : (5400 x 17) : Rs.

91,800/-



Illustration 'B' : The injured was a driver aged 30 years, earning Rs. 3000/- per month. His hand is amputated and his permanent disability is assessed at 60%. He was terminated from his job as he could no longer drive. His chances of getting any other employment was bleak and even if he got any job, the salary was likely to be a pittance. The Tribunal therefore assessed his loss of future earning capacity as 75%. Calculation of compensation will be as follows :

- a) Annual income prior to the accident : Rs. 36,000/- .
- b) Loss of future earning per annum
(75% of the prior annual income) : Rs. 27000/-.
- c) Multiplier applicable with reference to age : 17
- d) Loss of future earnings : (27000 x 17) : Rs. 4,59,000/-

Illustration 'C' : The injured was 25 years and a final year Engineering student. As a result of the accident, he was in coma for two months, his right hand was amputated and vision was affected. The permanent disablement was assessed as 70%. As the injured was incapacitated to pursue his chosen career and as he required the assistance of a servant throughout his life, the loss of future earning capacity was also assessed as 70%. The calculation of compensation will be as follows :

- a) Minimum annual income he would have got if had been employed as an Engineer : Rs. 60,000/-
 - b) Loss of future earning per annum
(70% of the expected annual income) : Rs. 42000/-
 - c) Multiplier applicable (25 years) : 18
 - d) Loss of future earnings : (42000 x 18) : Rs. 7,56,000/-
- [Note : The figures adopted in illustrations (A) and (B) are hypothetical. The figures in Illustration (C) however are based on actuals taken from the decision in Arvind Kumar Mishra (supra)].

22. 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:-

“ 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.”

23. Hon’ble Supreme Court in the case of **Erudhaya Priya Vs.**

State Express Tran. Corpn. Ltd. 2020 ACJ 2159, has held as under:-

“ 7. There are three aspects which are required to be examined by us:

(a) the application of multiplier of '17' instead of '18';

The aforesaid increase of multiplier is sought on the basis of age of the appellant as 23 years relying on the judgment in National Insurance Company Limited v. Pranay Sethi and Others, 2017 ACJ 2700 (SC). In para 46 of the said judgment, the Constitution Bench effectively affirmed the multiplier method to be used as mentioned in the table in the case of Sarla Verma (Smt) and Others v. Delhi Transport Corporation and Another, 2009 ACJ 1298 (SC) . In the age group of 15-25 years, the multiplier has to be '18' along with factoring in the extent of disability.

The aforesaid position is not really disputed by learned counsel for the respondent State Corporation and, thus, we come to the conclusion that the multiplier to be applied in the case of the appellant has to be '18' and not '17'.

(b) Loss of earning capacity of the appellant with permanent disability of 31.1%

In respect of the aforesaid, the appellant has claimed compensation on what is stated to be the settled principle set out in Jagdish v. Mohan & Others, 2018 ACJ 1011 (SC) and Sandeep Khanuja v. Atul Dande & Another, 2017 ACJ 979 (SC). We extract below the principle set out in the Jagdish (supra) in para 8:



"8. In assessing the compensation payable the settled principles need to be borne in mind. A victim who suffers a permanent or temporary disability occasioned by an accident is entitled to the award of compensation. The award of compensation must cover among others, the following aspects:

- (i) Pain, suffering and trauma resulting from the accident;*
- (ii) Loss of income including future income;*
- (iii) The inability of the victim to lead a normal life together with its amenities;*
- (iv) Medical expenses including those that the victim may be required to undertake in future; and*
- (v) Loss of expectation of life."*

[emphasis supplied]

The aforesaid principle has also been emphasized in an earlier judgment, i.e. the Sandeep Khanuja case (supra) opining that the multiplier method was logically sound and legally well established to quantify the loss of income as a result of death or permanent disability suffered in an accident.

In the factual contours of the present case, if we examine the disability certificate, it shows the admission/hospitalization on 8 occasions for various number of days over 1½ years from August 2011 to January 2013. The nature of injuries had been set out as under:

"Nature of injury:

- (i) compound fracture shaft left humerus*
- (ii) fracture both bones left forearm*
- (iii) compound fracture both bones right forearm*
- (iv) fracture 3rd, 4th & 5th metacarpals right hand*
- (v) subtrochanteric fracture right femur*
- (vi) fracture shaft femur*
- (vii) fracture both bones left leg*

We have also perused the photographs annexed to the petition showing the current physical state of the appellant, though it is stated by learned counsel for the respondent State Corporation that the same was not on record in the trial court. Be that as it may, this is the position even after treatment and the nature of injuries itself show their extent. Further, it has been opined in para 13 of Sandeep Khanuja case (supra) that while applying the multiplier method, future prospects on advancement in life and career are also to be taken into consideration.

We are, thus, unequivocally of the view that there is merit in the contention of the appellant and the aforesaid principles with regard to future prospects must also be applied in the case of the appellant taking the permanent disability as 31.1%. The quantification

of the same on the basis of the judgment in National Insurance Co. Ltd. case (supra), more specifically para 61(iii), considering the age of the appellant, would be 50% of the actual salary in the present case.

(c) The third and the last aspect is the interest rate claimed as 12%

In respect of the aforesaid, the appellant has watered down the interest rate during the course of hearing to 9% in view of the judicial pronouncements including in the Jagdish’s case (supra). On this aspect, once again, there was no serious dispute raised by the learned counsel for the respondent once the claim was confined to 9% in line with the interest rates applied by this Court.

CONCLUSION

8. The result of the aforesaid is that relying on the settled principles, the calculation of compensation by the appellant, as set out in para 5 of the synopsis, would have to be adopted as follows:

<i>Heads</i>	<i>Awarded</i>
<i>Loss of earning power (Rs.14,648 x 12 x 31.1/100</i>	<i>Rs. 9,81,978/-</i>
<i>Future prospects (50 per cent addition)</i>	<i>Rs.4,90,989/-</i>
<i>Medical expenses including transport charges, nourishment, etc.</i>	<i>Rs.18,46,864/-</i>
<i>Loss of matrimonial prospects</i>	<i>Rs.5,00,000/-</i>
<i>Loss of comfort, loss of amenities and mental agony</i>	<i>Rs.1,50,000/-</i>
<i>Pain and suffering</i>	<i>Rs.2,00,000/-</i>
<i>Total</i>	<i>Rs.41,69,831/-</i>

The appellant would, thus, be entitled to the compensation of Rs. 41,69,831/- as claimed along with simple interest at the rate of 9% per annum from the date of application till the date of payment.

24. A perusal of the impugned award reveals that the deceased Karamjit Singh was 22 years of age at the time of the accident, therefore, the tribunal has rightly assessed the age of the deceased as 22 years.



Furthermore, the learned tribunal has erred in applying the multiplier of 13 instead of 18.

25. A further perusal of the impugned award reveals that the income of the deceased was rightly assessed as Rs.14,121/- per month.

26. A further perusal of the award reveals that the learned Tribunal has rightly deducted 1/3 towards personal and living expenses. Furthermore, learned tribunal has erred in not awarding anything towards future prospect.

27. A further perusal of the award reveals that the learned Tribunal has awarded meager amount under the heads of loss of estate, funeral expenses and loss of consortium, which are not in consonance with the settled law. Therefore, the impugned award warrants interference and indulgence of this Court.

RELIEF

28. In view of the above, the present appeal is allowed and award dated 12.11.2011 is modified. Accordingly, as per the settled principles of law as laid down by Hon’ble Supreme Court as mentioned above, the appellants/claimants are held entitled to the enhanced amount of compensation as calculated below:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Compensation Awarded</i>
1	Monthly Income	Rs.14,121/-
2	Future prospects @ 50%	Rs.7,060/- (50% of 14,12)
3	Deduction towards personal expenditure 1/3	Rs.7,060/- (21,181 X 1/3)
4	Total Income	Rs.14,121/- (21,181-7,060)
5	Multiplier	18
6	Annual Dependency	Rs.30,50,136/- (14,121 X 12 X 18)
7	Loss of Estate	Rs.15,000/-



8	Funeral Expenses	Rs.15,000/-
9	Loss of Consortium Filial : 2 x 40,000	Rs.80,000/-
10	Total	Rs.31,60,136/-
11	Deduction:- <i>Amount awarded by Tribunal 50% due to contributory negligence</i>	Rs.7,39,292/-
12	Enhanced amount of compensation (bereft of contributory negligence)	Rs.24,20,844/- (31,60,136-7,39,292)

29. 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 amount so calculated shall carry an interest @ 9% per annum from the date of filing of the claim petition, till the date of realization.

30. Respondent No.3-Insurance Company is directed to deposit the enhanced amount along with interest with the Tribunal within a period of two months from the date of receipt of copy of this judgment. The Tribunal is directed to disburse the same to the appellants/claimants in their bank account as per ratio settled in award dated 12.11.2011. The appellants/claimants are directed to furnish their bank account details to the Tribunal.

31. Pending miscellaneous applications are also disposed of.

22.05.2026

Ayub

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No