IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.123

FAO-6247-2011
Date of Decision: 24.02.2026

CHANDER MUKHI THR. LRS. AND ANOTHER

....Appellants

Versus

LAZZE SINGH AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sarvesh Malik, Advocate
for LRs of the appellants.

Service of respondent No.1 dispensed with
vide order dated 03.05.2012.

Mr. Bharat Singh, Advocate for
Mr. S.K. Chauhan, Advocate
for respondent No.2.

Mr. Aseem Aggarwal, Advocate
for respondent No.3.

Mr. Sunil Kumar Pandey, Advocate for
Mr. S.P. Chahar, Advocate
for respondents No.4 and 5.

Ms. Tanu, Advocate for
Mr. Nigam K. Bhardwaj, Advocate
for respondent No.6.

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ARCHANA PURI, J. (Oral)

The present appeal has been filed by the appellants/claimants for seeking enhancement of compensation, awarded by the Motor Accident

Claims Tribunal, on account of death of their son, Naseeb, in a motor vehicular accident, which took place on 02.07.2009.

On appraisal of the evidence brought on record, the tribunal had assessed about the deceased-Naseeb to be 24 years old, while considering his date of birth as 20.03.1985. Further, in view of the vocation followed by the deceased i.e. being Supervisor in M/s N.K. Yadav Electronics, the Tribunal had assessed the his earnings as Rs.6,000/- per month. Considering the marital status of the deceased, 50% deduction was made, on the count of 'personal expenses' and compensation was worked upon, which is reproduced hereingiven in tabular form:-

Earnings assessed	Rs. 6,000/-
Deduction (50%), on the count of 'personal expenses'	Rs. 3000/-
Loss of dependency (Annual)	Rs. 36,000/- (3000 x 12)
Multiplier applied (11)	Rs. 3,96,000/- (36,000 x 11)
Funeral and transportation expenses	Rs. 10,000/-
Loss of Estate	Rs. 5,000/-
Loss of love and affection	Rs.10,000/-
Total	Rs.4,21,000/-

So far as liability is concerned, it was fastened upon, respondents No.3 and 6, the insurer of both the vehicles involved in the accident, in equal share.

However, the ***'work on'*** of the compensation aforesaid, do call for recomputation, as per the prevalent law.

So far as the earnings of the deceased, which has been taken as Rs.6,000/- per month by the Tribunal, is concerned, the same is not disputed by the counsel for the appellants. He only disputes about application of multiplier of '11', instead of '18', as per '***National Insurance Company Limited Vs. Pranay Sethi and others' 2017(4) RCR (Civil) 1009***. Of course, the age of mother of the deceased, has been taken into consideration, while applying the multiplier of '11', whereas, it ought to be '18', considering the age of the deceased to be 24 years, at the relevant time. As such, the compensation has to be worked upon, while considering the multiplier to be so. Also, addition on the count of 'future prospects', to the extent of 40%, has been given amiss by the Tribunal.

Apart from the aforesaid, on the count of 'loss of consortium', an amount of Rs.48,400/- (inclusive of enhancement of 10% after every 3 years, after pronouncement of the judgment), is payable, as per **Pranay Sethi's case (supra)**. Also, both the appellants, who are father and mother of the deceased, are entitled to the requisite amount. At this stage, it is pertinent to mention that 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.

It is pertinent to mention that the Tribunal had denied about the payment to the father of the deceased and it has been awarded only to his mother.

However, the aforesaid finding is palpably wrong. It is pertinent to mention that even though, a person, who may be earning, may not be financially dependent on his son, who has departed from the world, but however, it should be noted that the word **'dependent'** has a different meaning in different connotation. Some may be dependent in terms of money and others may be dependent in terms of service. Thus, dependency is a relevant criteria to claim compensation for loss of dependency. It necessarily does not mean financial only. It also includes gratuitous service dependency, physical dependency, emotional dependency, psychological dependency, and so on and so forth, which can never be equated in terms of money. Considering the same, even though, the deceased son may not be rendering financial assistance to his father, but however, emotional and psychological dependency upon the young son, by the father, as such, ought to be there and considering the same, the father of the deceased, is also entitled to compensation.

In the light of the aforesaid, the compensation, on the count of 'loss of consortium', is to be awarded to both the appellants i.e. father, as well as the mother. Apart from the same, the amount payable on the counts of 'loss of estate' and 'funeral expenses', as per the prevalent law, is Rs.18,150/- each.

Thus, keeping in view the aforesaid, the compensation now worked upon, is reproduced in tabular form as herein:-

Earnings assessed	Rs. 6,000/-
Future prospects (40%)	Rs.2,400/-
Total earnings	Rs.8,400/- (6,000 + 2400)
Deduction (50%), on the count of 'personal expenses'	Rs. 4,200/-
Loss of dependency (Annual)	Rs. 50,400/- (4,200 x 12)
Multiplier applied (18)	Rs. 9,07,200/- (50,400 x 18)
Loss of consortium	Rs. 96,800/- (48,400 x 2)
Funeral expenses	Rs. 18,150/-
Loss of Estate	Rs. 18,150/-
Total	Rs.10,40,300/-

After deducting an amount of Rs.4,21,000/-, which has already been awarded by learned Tribunal, from Rs.10,40,300/-, the appellants are entitled to enhanced amount of **Rs.6,19,300/-**. Even, father of the deceased is held entitled to the enhanced amount in equal proportion.

At this stage, counsel for the appellants has brought to the notice of this Court that vide order dated 28.04.2025, the legal representatives of both the appellants i.e. the parents of the deceased, namely, Naseeb, have been impleaded and amended memorandum of parties was taken on record. In the light of the same, the extent of share of the appellants i.e. Chander Mukhi and Phool Kumar, be disbursed to their respective legal representatives, in view of the apportionment aforesaid. All the remaining terms of the Award, shall remain the same.

The enhanced amount shall be payable by the Insurance Company, within a period of six weeks. On the enhanced amount, the legal representatives of 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.

(ARCHANA PURI)
JUDGE

24.02.2026
Himanshu Vats

Whether speaking/reasoned : Yes

Whether reportable : Yes/No