

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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Date of decision: 09.02.2026

FAO-3822-2025(O&M)

Bhateri & Others

...Appellant(s)

Vs.

Akshay Singh Shekhawat & Others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. Mukesh Yadav, Advocate
for the appellants.

Mr. Punit Jain, Advocate
for respondent No.3.

NIDHI GUPTA, J.

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.25,48,895/- awarded by the Motor Accident Claims Tribunal, Rewari (hereinafter 'the learned Tribunal') vide Award dated 29.03.2025 passed in MACP Case No.172 dated 14.03.2022 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 6 claimants are the widow, three minor children, and parents of deceased Karambir, who was 29 years old at the time of death.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the deceased had died due to the injuries suffered by him

in a motor vehicular accident that took place on 19.02.2022 due to the rash and negligent driving of motorcycle bearing registration No.HR-36-AL-2193 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The said compensation has been awarded along with interest @ 7% per annum. Respondents were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been assessed on the lower side as Rs.11,102/- per month. It is submitted that the appellants had proved on record that last drawn salary of the deceased in January 2022 was Rs.12,314/-. As such income of the deceased ought to have been assessed as Rs.12,314/-.

4. It is further submitted that under the conventional heads the learned Tribunal has awarded consortium only to the claimant No.1; whereas nothing has been awarded to the claimants No.2 to 6 by way of consortium. It is argued that claimant No.2 to 6 being the minor children and parents of the deceased were also entitled to consortium of Rs.44,000/- each. It is further submitted that the interest is on the lower side and deserves to be enhanced. It is accordingly prayed that the present appeal be allowed and claimants be awarded a sum of Rs.70,00,000/-.

5. Notice of motion.

6. On the asking of the Court, Mr. Punit Jain, Advocate accepts notice on behalf of respondent No.3, Insurance Company and vehemently opposes the submissions advanced on behalf of the appellants. Learned counsel submits that appellants have been awarded compensation in accordance with law, the impugned Award suffers from no error, and present appeal deserves to be dismissed.

7. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find some merit in the submissions advanced on behalf of the appellants.

8. It was the pleaded case of the appellants before the learned Tribunal that prior to the accident, the deceased was working as a Sweeper in Nagar Nigam Department, Gurugram on contractual basis under R.K. and Company and earning Rs.16,000/- per month. The appellants had examined PW4-Rajender Parshad, Operation Manager, R.K. & Company who had proved the salary slips of deceased as Ex.PW4/B to Ex.PW4/G and copy of Wage Register (Ex.PW4/H). A perusal of the said evidence shows that the deceased had been receiving varying amounts of salaries i.e. in September, 2021 the deceased had received Rs.10,073/-; in October 2021 - Rs.13,853/-; in November 2021 - Rs.9013/-; in December 2021 - Rs.10,261/- and in January 2022 - Rs.12,314/-, was received. Ld. Tribunal has accordingly taken average of the said amounts and assessed income of the deceased to be Rs.11,102/- per month. I find no error in the same.

9. Further learned Tribunal has awarded Rs.86,150/- towards medical expenses on the basis of bills (Ex.P5 to Ex.P12) produced and proved by the appellants. Age of the deceased was determined to be 29 years at the time of accident on the basis of his Post-Mortem Report (Ex.P18). Accordingly, learned Tribunal had correctly made an addition of 40% towards future prospects; and applied multiplier of 17. The claimants were all dependent upon the income of the deceased. As such, Id. Tribunal had made deduction of 1/4th towards personal expenses. Under the conventional heads, Tribunal has awarded consortium of Rs.48,400/- to claimant No.1 towards spousal consortium; Rs.18,150/- towards funeral expenses and Rs.18,150/- towards loss of estate. However, no consortium has been awarded to the claimants No.2 to 6; who, being the minor children and parents of the deceased are entitled to filial and parental consortium. Keeping in view the fact that the accident is of the year 2022, a sum of Rs.44,000/- each is awarded to the claimants No.2 to 6 by way of consortium. Therefore, present appeal is **partly allowed**; and compensation payable to the claimants is reassessed as follows: -

Head	Awarded by learned Tribunal	Reassessed compensation
Monthly income	Rs.11,102/-	Rs.11,102/-
Annual income	Rs.1,33,224/-	Rs.1,33,224/-
Medical expenses	Rs.86,150/-	Rs.86,150/-
Future prospects (40%)	Rs.1,86,513/-	Rs.1,86,513/-
Deduction (1/4 th)	Rs.1,39,885/-	Rs.1,39,885/-
Multiplier (17)	Rs.23,78,045/-	Rs.23,78,045/-
Loss of consortium	Rs.48,400/-	Rs.48,400/-
Funeral expenses	Rs.18,150/-	Rs.18,150/-
Loss of estate	Rs.18,150/-	Rs.18,150/-

Filial and parental consortium	-	Rs.44,000 x 5 = Rs.2,20,000/-
Total	Rs.25,48,895/-	Rs.27,68,895/-

10. Pending application(s) if any also stand(s) disposed of.

09.02.2026

Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No