2026:PHHC:179829

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-940-2011

1	The date when the judgment was reserved	01.04.2026
2	The date when the judgment is pronounced	21,05.2026.
3	The date when the judgment is uploaded on the website	22.05.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment and reasons thereof.	Not applicable

RAVI JUNEJA AND ANOTHER ….Appellants

Vs.

UNION OF INDIA AND ANOTHER ….Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Ashwani Arora, Advocate (thr. V.C.) and
Mr. Vipul Sharma, Advocate
for the appellants.

Mr. Sandeep Bhatia, Senior Panel Counsel, UOI
for respondent No.1.

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<u>HARKESH MANUJA, J.</u>

1. The present appeal has been preferred by the appellants/claimants under Section 173 of the Motor Vehicles Act, 1988, challenging the award dated 13.09.2010 passed by the learned Motor Accident Claims Tribunal, Panchkula (for short, 'the Tribunal'), whereby compensation to the tune of Rs.55,000/- alongwith interest @ 7.5% per annum was awarded on account of death of Sh. Bhim Sain Juneja in a motor vehicular accident dated 04.11.2008.

2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the Tribunal, a detailed

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narration of facts of the case is not reproduced herein for the sake of brevity.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR THE APPELLANTS/CLAIMANTS.

3. Learned counsel for the appellants contended that the learned Tribunal committed a patent illegality in restricting the compensation merely on the ground that the claimants were major sons and earning independently. It is submitted that the expression employed under Section 166 of the Motor Vehicles Act is "legal representative" and not "dependent". It was argued that once the claimants were proved to be legal representatives of the deceased, they were entitled to just compensation under the Act irrespective of the question whether they were financially dependent upon the deceased or not. Learned counsel further submitted that the deceased was working as Assistant Garrison Engineer in Military Engineering Service and drawing salary of Rs.44,723/- per month. It was contended that the Tribunal completely ignored the settled principles governing assessment of compensation in fatal accident claims and awarded a wholly inadequate amount contrary to law.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR RESPONDENT No.1/UNION OF INDIA.

4. Per contra, learned counsel appearing on behalf of the respondents supported the award passed by the Tribunal and contended that since the claimants were admittedly earning and not dependent upon the deceased, the Tribunal rightly confined the compensation to the amount payable under no-fault liability.

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DISCUSSION AND REASONING

5. I have heard learned counsel for the parties and perused the paper-book of the case.

6. The contention raised by the Learned Counsel for respondent No.1-Union of India that the right to claim compensation does not survive to the legal representatives, as all the legal heirs on record are independently earning their livelihood; the same is wholly misconceived and untenable. The Apex Court in catena of judgments has categorically held that even major married children of the deceased, having an independent source of income are entitled to claim compensation in their capacity as legal representatives. In ***"Manjuri Bera v. The Oriental Insurance Company Ltd. and another passed in Civil Appeal No.1702 of 2007 arising out of SLP(C) No.14943 of 2004,"*** it was observed that a legal representative is entitled to compensation, even if he was not dependent on deceased and there was no loss of dependency. It was further observed that when the deceased did not leave any legal heir except married daughter, such daughter was entitled to claim compensation though she was not dependent on her father. In another judgment "***National Insurance Company Ltd. v. Birender and others, 2021(3) PLR 146,***" it was observed that even major married and earning sons of deceased being legal representatives were having right to apply for compensation in case of accidental death. Therefore, such plea raised on behalf of the learned counsel for respondent No.1/Union of India is devoid of merits and stands rejected.

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QUESTION OF INCOME ASSESSED

7. From the unrebutted oral as well as documentary evidence available on record, it stands duly established that the deceased-Sh. Bhim Sain Juneja was serving as an Assistant Garrison Engineer in the Military Engineering Service (GE Utility), Chandimandir at the time of the accident. The claimants specifically pleaded and proved that the deceased was drawing a monthly salary of Rs.44,723/-. In support thereof, salary particulars and service-related evidence were produced before the learned Tribunal. Furthermore, PW2-Lalit Juneja, son of the deceased, while appearing in the witness box by way of affidavit, categorically deposed regarding the employment and income of the deceased. The said testimony remained intact during the course of cross-examination and nothing material could be elicited by the respondents to discredit the same. Significantly, despite opportunity, neither respondent No.1 nor respondent No.2 led any evidence in rebuttal to dispute the employment status, pay scale or monthly income of the deceased. No contrary documentary evidence was produced by the respondents to show that the salary claimed by the appellants was incorrect or exaggerated. It is well settled that where cogent documentary evidence regarding income is produced and the same remains unchallenged, the Court is justified in accepting such income for the purpose of computation of compensation. In the present case, the evidence regarding the salary of the deceased has gone virtually unrebutted and, therefore, there was no occasion for the learned Tribunal to ignore the actual earnings of the deceased while assessing compensation. Therefore, in the humble opinion of this Court, the income

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of the deceased is assessed @ Rs.44,723/- in consonance with the documentary evidence available on record.

QUESTION OF FUTURE PROSPECTS, MULTIPLIER AND DEDUCTION TOWARDS PERSONAL EXPENSES.

8. As per the averments made in the claim petition and the testimony of claimants, the age of the deceased at the time of his death was stated to be 55 years, however, no documentary evidence has been produced on record to substantiate his age. Therefore, in the absence of any other cogent and reliable documentary evidence on record, this Court deems it appropriate to rely upon the testimony and accordingly assesses the age of the deceased as 55 years. Thus, placing reliance upon the law laid down in the case ***"Smt. Sarla Verma and others vs. Delhi Transport Corporation and another"***, reported as ***2009 (3) RCR (Civil) 77***, and ***"National Insurance Co. Ltd. vs. Pranay Sethi and others***" reported as ***(2017) 16 SCC 680,*** 15% of the income needs to be granted towards future prospects. Accordingly, multiplier of 11 is applied. Further, as the dependents of the deceased comprise two children, the appropriate deduction towards the personal and living expenses of the deceased therefore ought to be assessed at one-third.

QUESTION OF COMPENSATION UNDER CONVENTIONAL HEADS

9. 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 is 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

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the tune of Rs. 96,000/- (48,000 x 2) as appellants/claimants being sons are entitled to parental consortium.

CONCLUSION

10. In view of the discussion made herein above, the appellants/claimants are held entitled for the grant of compensation in the following manner:-

S.No.	Nature	Amount (in Rs.)
1.	Annual Income of deceased	5,36,676/-
2.	Add 15% future prospects	80,501.4/-
3.	Total Income (Rs. 5,36,676 + Rs. 80,501.4)	6,17,177.4/-
4.	Deduction (1/3rd)	2,05,725.8/-
5.	Net Income (Rs. 6,17,177.4 – Rs. 2,05,725.8)	4,11,451.6/-
6.	**Loss of Income after applying multiplier of 11 as per the age of 55 years (Rs. 4,11,451.6 x 11)**	**45,25,967.6/-**
7.	**Loss of Consortium**	**96,000/-**
8.	**Funeral expenses**	**18,000/-**
9.	**Loss of estate**	**18,000/-**
	Total compensation	**46,57,967.6/-**
	Amount Awarded by the Tribunal	**55,000/-**
	Enhanced Amount	**46,02,967.6/- rounded off to 46,02,970/-**

Accordingly, appellants/claimants shall be entitled to receive above enhanced compensation in the proportion already determined by the learned Tribunal.

11. 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***

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and another, 2014 (1) RCR (Civil) 443, thus, the interest is enhanced to 9% per annum on the amount of compensation re-assessed 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.

12. In view of the foregoing discussion, the present appeal preferred at the instance of appellants/claimants stand allowed. Pending miscellaneous application(s), if any, shall also stand disposed of.

May 21, 2026 **(HARKESH MANUJA)**
Tejwinder **JUDGE**

Whether speaking/reasoned	*Yes/No*
Whether reportable	*Yes/No*

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