IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

Sr. No.119

FAO-2141-2013
Date of Decision: 16.02.2026

KAMLESH AND OTHERS

....Appellants

Versus

AJAY KUMAR AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Deepika, Advocate for
Mr. Sandeep Kumar Yadav, Advocate
for the appellants.

Mr. Neeraj Khanna, Advocate
for respondent No.3-Insurance Company.

*****

ARCHANA PURI, J. (Oral)

The present appeal has been filed by the appellant, for seeking enhancement of compensation, awarded by learned Tribunal, on account of death of Satish Kumar, in a motor vehicular accident.

Suffice to consider the accident had taken place on 29.10.2011 and also the counsel for the parties does not dispute about Satish Kumar, to have died on account of injuries sustained in the accident in question. Also, there is no dispute between the parties about the age of the deceased to be 35 years, at the relevant time. It is pleaded case of the appellant, about the deceased to be working as Receptionist-cum-Booking Clerk, from April 2001 to 28.10.2011 and was getting salary of Rs.8500/- per month. Salary certificate and the attendance register of the deceased, were also placed on record as Ex.PW3/A and Ex.PW3/B, respectively. However, the appointment letter, as such, has not come on record. In the given circumstances, learned Tribunal had considered the earnings of the deceased as Rs.4,888/- per month, as that of daily wager for the year 2011-12.

Considering the same, the work on of the compensation was further worked upon, while making addition to the extent of 30%, on the count of 'future prospects' and considering the number of dependents to be 6, 1/4th was deducted as personal expenses. Thus, the contribution towards dependence was taken as Rs.57,186/- per annum. Multiplier of '16' was appropriately applied and the compensation was worked, as Rs.9,14,976/-.

Besides the aforesaid, under the conventional heads, an amount of Rs.5,000/- was awarded towards 'loss of estate' and an amount of Rs.5,000/- was awarded towards the 'funeral expenses.' Also, an amount of Rs.10,000/- was awarded on the count of 'loss of consortium' to the widow of the deceased i.e. Claimant No.1. Thus, the total compensation, so worked upon, was Rs.9,34,976/-.

Keeping in view the 'work on' of the compensation aforesaid, it definitely calls for re-computation. However, counsel for the appellant, at this stage, does not dispute about the extent of earnings of the deceased as Rs.4,888/- per month. Taking it to be so, considering the age of the deceased to be 35 years, addition on the count of future prospects ought to be 40% instead of 30%, as done by learned Tribunal. Even, under the conventional heads, deduction on the count of 'personal expenses' has been appropriately made to the extent of 1/4th, considering the number of dependents of the deceased. However, under the conventional heads also, compensation awarded calls for enhancement, as per '***National Insurance Company Limited Vs. Pranay Sethi and others' 2017(4) RCR (Civil) 1009.***

Besdies the aforesaid, as per **Pranay Sethi's case** (supra), 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, 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.2,90,400/- (48,400 x 6).

Besides the aforesaid, another amount of Rs.36,300/- (18,150 + 18,150), is to be awarded on the counts of 'loss of estate', as well as 'funeral expenses'.

In view of the aforesaid, the compensation, now awarded is hereingiven, in tabular form:-

Earnings assessed	Rs. 4888/- per month
Addition of 40%	Rs.4888+1955 = 6843/-
Deduction ($1/4^{th}$), on account of personal expenses	Rs. 6843 – 1711 = 5132/- Annual whereof is Rs.61,584/-
Multiplier applied (16)	Rs. 9,85,344/- (61,584 x 16)
Compensation on the count of 'loss of consortium'	Rs.2,90,400 (48,400 x 6)
Compensation on the count of 'funeral expenses'	Rs. 18,150/-
Compensation on the count of 'loss of estate'	Rs. 18,150/-
Total	Rs.13,12,044/-

As such, the enhanced compensation, after the deduction of compensation awarded by learned Tribunal comes to be **Rs.13,12,044 – 9,34,976 = Rs. 3,77,068/-**. On the enhanced amount of the compensation i.e.

Rs.3,77,068/-, the appellants-claimants, shall be entitled to interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation.

The impugned Award dated 07.11.2012, stands modfied to the extent, as indicated aforesaid. The remaining terms of the Award shall remain same.

In view of the aforesaid observations, the present appeal stands allowed.

(ARCHANA PURI)
JUDGE

16.02.2026
Sonu Saini

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