

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****114****FAO-4245-2022(O&M)****Date of decision: 07.05.2026****Bindya Rani & Others****...Appellant(s)****Vs.****Surender @ Silli & Another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Sansar Kundu, Advocate
for the appellants.Mr. Lalit Garg, Advocate
for respondent No.2.

NIDHI GUPTA, J.

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.18,98,248/- awarded by the Motor Accident Claims Tribunal, Jind (hereinafter 'the learned Tribunal') vide Award dated 02.07.2022 passed in CIS No.208 dated 12.07.2018 filed under Section 166 of Motor Vehicles Act (hereinafter "the Act"). The 5 claimants are the widow, two minor children and parents of deceased Surender, who was 38 years old at the time of accident.

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 Surender had died due to the injuries suffered by him in a motor vehicular accident that took place on 19.05.2018 due to the rash and negligent driving of Mahindra Bolero bearing registration No.HR-56B-1612 (hereinafter "the offending vehicle") being driven and



owned by respondent No.1 and insured by respondent No.2. The compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable to pay the compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that under the conventional heads, each of the claimants was entitled to Rs.40,000/- by way of consortium. However, consortium has been awarded only to claimant No.1/widow. It is also submitted that interest should be @ 18%. Learned counsel also submits that financial assistance will be received by the appellants only for a period of 12 years and after that, there is no financial assistance. Therefore, compensation deserves to be enhanced.

4. Per contra, learned counsel for the respondent No.2 opposes the submissions advanced on behalf of the appellants and submits that the impugned Award suffers from no error; and the present appeal deserves to be dismissed.

5. 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.

6. Perusal of record of the case shows that it was the pleaded case of the appellants before the Tribunal that prior to the accident, the deceased was working as a JBT Teacher in Government Primary School and was earning



Rs.50,680/- per month as is evident from Salary Certificate (Ex.P18).

Accordingly, learned Tribunal had taken income of the deceased as such.

7. Age of the deceased was determined to be 38-and-a-half years on the date of accident on the basis of his Service Record (Ex.P19), as per which date of birth of deceased was 07.08.1979. Accordingly, the learned Tribunal had correctly made an addition of 50% towards future prospects; thereby calculating his monthly salary to be Rs.76,020/- (Rs.50,680/- + 50% of Rs.50,680/-); and annual salary to be Rs.9,12,240/-. Thereafter, the learned Tribunal had calculated Income Tax as per Slab basis along with 4% Education Cess for a sum of Rs.98,746/-; thereby calculating annual income to be Rs.8,13,494/- (Rs.9,12,240/- - Rs.98,746/-). Keeping in view number of dependents, deduction of 1/4th was correctly made. Keeping in view age of the deceased, multiplier of 15 was correctly applied.

8. Under the conventional heads, learned Tribunal has awarded only a sum of Rs.70,000/- towards consortium; loss of estate and funeral expenses; thereby awarding total compensation of Rs.92,21,800/-.

9. It has also come on record that the claimants would be getting financial assistance amounting to Rs.46,200/- including DA, Medical Allowance applicable from time to time till 19.05.2030 i.e. for the next 12 years for a total sum of Rs.73,23,552/- (Rs.50,858/- x 144). Thus, the said amount of Rs.73,23,552/- was deducted by the Tribunal; thereby awarding total compensation of Rs.18,98,248/-. I find no error in the above.



10. However, the claimants No.2 to 5 being the two minor children and parents of deceased are also entitled to Rs.40,000/- each by way of consortium i.e. total amount of Rs.1,60,000/-. Therefore, compensation payable to the claimants is re-assessed in the following manner:-

Head	Awarded by learned Tribunal	Re-assessed compensation
Monthly income	Rs.50,680/-	Rs.50,680/-
Addition towards future prospects	(50%) Rs.76,020/- (Rs.50,680/- + 50% of Rs.50,680/-)	(50%) Rs.76,020/- (Rs.50,680/- + 50% of Rs.50,680/-)
Annual salary	Rs.9,12,240/-	Rs.9,12,240/-
Income Tax as per Slab along with 4% Education Cess for a sum of Rs.98,746/-	Rs.8,13,494/- (Rs.9,12,240/- - Rs.98,746/-)	Rs.8,13,494/- (Rs.9,12,240/- - Rs.98,746/-)
deduction	1/4 th	1/4 th
multiplier	15	15
consortium; loss of estate and funeral expenses	Rs.70,000/-	Rs.70,000/-
financial assistance of Rs.46,200/- till 19.05.2030	Rs.73,23,552/- (Rs.50,858/- x 144)	Rs.73,23,552/- (Rs.50,858/- x 144)
After deduction	Rs.18,98,248/-	Rs.18,98,248/-
Consortium to claimants No.2 to 5	--	Rs.40,000/- each i.e. Rs.1,60,000/-
Total	Rs.18,98,248/-	Rs.20,58,248/-
Interest	7.5% p.a.	7.5% p.a.

11. In view of the above, present appeal stands **partly allowed**.

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

07.05.2026
Sunena

(Nidhi Gupta)
Judge

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