137 **IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH**

1. FAO-3977-2013 (O&M)

SARITA AND OTHERS …Appellants

Vs.

JITENDER AND OTHERS …Respondents

2. FAO-3984-2013 (O&M)

KALPANA AND OTHERS …Appellants

Vs.

JITENDER AND OTHERS …Respondents

1	*The date when the judgment was reserved*	*23.03.2026*
2	*The date when the judgment is pronounced*	*30.04.2026*
3	*The date when the judgment is uploaded on the website*	*30.04.2026*
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*

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Amit Shivrain, Advocate
for the appellant(s).

Ms. Shalu, Advocate for
Mr. R.C. Gupta, Advocate
for the respondent(s).

Ms. Tanu, Advocate for
Mr. Nigam Bhardwaj, Advocate
for the respondent-Insurance Company.

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HARKESH MANUJA, J.

1. By way of present two appeals, the appellants-claimants seek enhancement of compensation awarded vide a common award dated 27.05.2013 passed by the learned Motor Accident Claims Tribunal, Jhajjar (for short, "the learned Tribunal"), arising out of the same accident dated 29.08.2011, whereby compensation to the tune of Rs. 12,30,000/- and Rs. 15,55,000/- respectively, along with interest @ 8% per annum from the date of filing of claim petition(s) till realization, was awarded to the appellants/claimants on account of death of Anoop Singh @ Sanjay and Puran Singh @ Kala.

2. Since both the appeals arise out of the same accident and involve common questions of fact and law, the same are being decided together by this common judgment.

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

4. Learned counsel for the appellants contended that the compensation awarded by the learned Tribunal was grossly inadequate and not in consonance with the settled principles of law. It was submitted that the learned Tribunal erred in not making any addition towards future prospects while assessing the income of the deceased. He further argued that the income of deceased Puran Singh @ Kala was incorrectly assessed at ₹12,000/- per month, despite there being documentary evidence indicating higher earnings. Learned Counsel also submitted that an improper deduction towards personal and living expenses was made, resulting in a lower computation of loss of dependency. Additionally, it was contended that only meager amounts were awarded under the conventional heads. Lastly, he argued that the rate of interest granted by the learned Tribunal was on the lower side, therefore, he prayed that the award of the learned Tribunal be suitably modified in accordance with law.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR RESPONDENT No. 3/INSURANCE COMPANY.

5. Per contra, learned counsel representing the respondent No. 3/Insurance Company, neither refuted the factum of accident nor even the negligence of the offending vehicle, however submitted that in the facts and circumstances of the present case, the compensation assessed by the learned Tribunal called for no interference.

DISCUSSION AND REASONING

6. I have heard learned counsel for the parties and perused the paper-book of the case. I find substance in the arguments advanced by the learned counsel for the appellants/claimants.

QUESTION OF INCOME ASSESSED (PURAN SINGH @ KALA)

7. The learned Tribunal assessed the income of the deceased at Rs. 12,000/- per month; however, such assessment does not appear to be in consonance with the documentary evidence available on record. The claimants had produced salary slips reflecting a higher earning, which ought to have been given due weight while determining the income of the deceased. A perusal of the said salary record reveals that although there is some fluctuation in the monthly earnings, the overall trend clearly indicates that the income was substantially higher than what has been taken by the learned Tribunal. In such circumstances, it would be just and reasonable to adopt an average of the fluctuating income so as to arrive at a fair and realistic figure. Accordingly, upon a holistic consideration of the salary slips and keeping in view the nature of employment, the average monthly income of the deceased is more appropriately assessed at Rs. 15,000/- per month, instead of Rs.12,000/- as determined by the learned Tribunal.

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

8. Considering the age of the deceased as 38 years at the time of death and while 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,*** 40% of the income needs to be granted towards future prospects. Accordingly, multiplier of 15 is applied. Further, as the dependents of the deceased comprise the widow, and three children; four in all, the appropriate deduction towards the personal and living expenses of the deceased therefore ought to be assessed at one-fourth.

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 the tune of Rs. 1,92,000/- (48,000 x 4) as appellants/claimants being the widow and 3 children are entitled to spousal and 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	1,80,000/-
2.	Add 40% future prospects	72,000/-
3.	Total Income (Rs. 1,80,000 + Rs. 72,000)	2,52,000/-
4.	Deduction (1/4th)	63,000/-
5.	Net Income (Rs. 2,52,000 – Rs. 63,000)	1,89,000/-
6.	**Loss of Income after applying multiplier of 15 as per the age of 38 years (Rs. 1,89,000 x 15)**	**28,35,000/-**
7.	**Loss of Consortium**	**1,92,000/-**
8.	**Funeral expenses**	**18,000/-**
9.	**Loss of estate**	**18,000/-**
	Total compensation	**30,63,000/-**
	Amount Awarded by the Tribunal	**15,55,000/-**
	Enhanced Compensation	**15,08,000/-**

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

QUESTION OF INCOME ASSESSED (ANOOP SINGH @ SANJAY)

11. The Tribunal assessed the income of the deceased at ₹8,500/- per month and further deducted a sum of ₹3,000/- towards personal and living expenses. However, such assessment does not fully reflect the material available on record. It has come in evidence that the deceased was a skilled driver holding a valid driving licence, which itself indicates that he was engaged in a specialized vocation and would have earned more than an unskilled or semi-skilled worker. Moreover, it has also been established that the deceased was receiving a daily allowance of ₹200/-, which has not been taken into consideration by the learned Tribunal while computing his income.

The omission to include the daily allowance has resulted in an underestimation of the actual earnings of the deceased. Even on a conservative basis, the daily allowance of ₹200/- would translate to approximately ₹6,000/- per month (calculated for 30 days), which, when added to the base income of ₹8,500/-, brings the total monthly income to ₹14,500/-. In view of the nature of employment, the skill involved, and the additional allowance forming part of the earnings, it would be just and reasonable to re-assess the income of the deceased at ₹14,500/- per month.

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

12. Considering the age of the deceased as 29 years at the time of death and while 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,*** 40% of the income needs to be granted towards future prospects. Accordingly, multiplier of 17 is applied. Further, as the dependents of the deceased comprise the widow, two children and mother; four in all, the appropriate deduction towards the personal and living expenses of the deceased therefore ought to be assessed at one-fourth.

QUESTION OF COMPENSATION UNDER CONVENTIONAL HEADS

13. 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 the tune of Rs. 1,92,000/- (48,000 x 4) as appellants/claimants being the widow, children and mother are entitled to spousal, parental and filial consortium.

CONCLUSION

14. 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	1,74,000/-
2.	Add 40% future prospects	69,600/-
3.	Total Income (Rs. 1,74,000 + Rs. 69,600)	2,43,600/-
4.	Deduction ($1/4^{th}$)	60,900/-
5.	Net Income (Rs. 2,43,600 – Rs. 60,900)	1,82,700/-
6.	**Loss of Income after applying multiplier of 17 as per the age of 29 years (Rs. 1,82,700 x 17)**	**31,05,900/-**
7.	**Loss of Consortium**	**1,92,000/-**
8.	**Funeral expenses**	**18,000/-**
9.	**Loss of estate**	**18,000/-**
	Total compensation	**33,33,900/-**
	Amount Awarded by the Tribunal	**12,30,000/-**
	Enhanced Compensation	**21,03,900/-**

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

15. The grant of interest @ 8% 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 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.

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

April 30, 2026
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(HARKESH MANUJA)
JUDGE

Whether speaking/reasoned: Yes

Whether reportable: Yes