

**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

FAO-8471-2015 (O&M)

ORIENTAL INSURANCE COMPANY LTD.

.....Appellant

vs.

ANVARI AND ORS.

.....Respondents

Reserved on : 21.04.2026

Pronounced on: 27.04.2026

Uploaded on: 04.05.2026

Whether only the operative part of the judgment is pronounced?

NO

Whether full judgment is pronounced?

YES

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Sahej Mahajan, Advocate
for the appellants.

Mr. R.S. Mamli, Advocate
for respondent Nos.1 to 5.

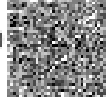
Respondent Nos.6 to 9 were proceeded against ex parte
vide order dated 18.04.2017.

SUDEEPTI SHARMA J.

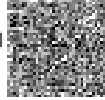
1. The present appeal has been filed by the appellant-Insurance company against the award dated 11.08.2015 passed in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the Motor Accident Claims Tribunal, Kurukshetra (for short, 'the Tribunal'), wherein the appellant-Insurance company was fastened with the liability to pay the compensation of Rs.28,75,080/- to the claimants along with interest @ 9 % per annum from the date of filing of claim petition till recovery.

BRIEF FACTS OF THE CASE

2. The brief facts of the case are that on dated 2.4.2015, above named Rahamdeen (since deceased) was travelling as pillion rider on a motorcycle

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bearing registration no.HR-07L-1332 being driven by his brother Rafiqdeen and they were going from their village Jharauli Kalan to village Mustfabad, District Yamuna Nagar and at about 8.00 P.M. they reached just one kilometer short of village Kalsani in front of Dera of one Inderjit Singh, Numberdar, where the respondent no.1 had parked his tractor bearing registration no.HR-78-8910 in the middle of the road without giving any indicator etc. and due to that reason the motor-cycle being driven by said Rafiqdeen struck against the stationary tractor in its back side and as a result of which, both the occupants of the motor-cycle fell down on the road alongwith the motor-cycle and Rahamdeen suffered serious and grievous injuries on his person. It is further asserted that the respondent no.1 then alighted from the tractor and came near Rahamdeen and Rafiqdeen for a while but lateron he fled away from the spot by taking advantage of crowd. It is further asserted that the injured Rahamdeen was taken to CHC, Shahabad, where he was declared dead by the doctors and consequently FIR No.144 dated 3.4.2015, under sections 283, 304-A IPC was registered at Police Station, Shahabad against respondent no.1. According to the claimants-petitioners, the said Rahamdeen, at time of his death, was aged about 35 years and was working as driver and also doing dairy farming and was thus earning ₹30,000/- per month. It is further asserted that the postmortem on the dead body of said Rahamdeen was conducted at LNJP Hospital, Kurukshetra and a sum of ₹70,000/- was spent on treatment, medicines, attendant charges, transportation and last rites of deceased. It is further asserted that due to the untimely death of said Rahamdeen, the claimants petitioners have lost their only bread earner and whole of the family has crippled. In this



way, the claimants-petitioners have claimed the above mentioned amount as of compensation from the respondents.

3. Upon notice of the claim petition, respondents appeared and contested the claim petition by filing their separate written replies denying the factum of accident/compensation.

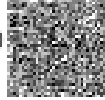
4. From the pleadings of the parties, the Tribunal framed the following issues:-

- “1. Whether accident dated 2.4.2015, resulting into death of Rahamdeen took place due to rash and negligent act of the respondent no.1 while he parked the tractor bearing registration no.HR-78-8910 in the middle of the road without giving any indicator etc. if so, to what effect? OPP*
- 2. If issue no.1 is proved, then to what amount of compensation and from whom the claimants-petitioners are entitled to? OPP*
- 3. Whether the respondent no.1 was not having any valid and effective driving licence at the material time and there was violation of the terms and conditions of the insurance policy and respondent no.3 is not liable to pay any compensation? OPR-3.*
- 4. Relief.”*

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal awarded compensation to the claimants. However, liability to pay the compensation was fastened upon the appellant-Insurance Company. Hence, the present appeal.

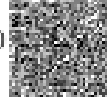
SUBMISSIONS OF LEARNED COUNSELS FOR THE PARTIES

6. Learned counsel for the appellant/Insurance Company contends as under:-



- i. That learned Tribunal has erred in holding that accident occurred due to rash and negligent driving of respondent No.8-driver of offending vehicle;
- ii. That the accident in fact occurred due to contributory negligence of both vehicle.
- iii. That eye witness of the accident stated that he took the deceased to the hospital, however, name of eye witness was not mentioned in the post mortem report.
- iv. That income of deceased was taken on higher side. And submits that the Tribunal has erred in assessing the monthly income of the deceased at Rs.10,200/- by placing reliance upon the wage notification issued by the Deputy Commissioner, Kurukshetra, applicable to skilled labour instead of adopting the minimum wages for skilled labour in the State of Haryana.
- v. That learned Tribunal has erred in taking the age of deceased from post mortem report. And that learned Tribunal has erred in awarding compensation under the heads of loss of care and guidance and loss of consortium, which is contrary to the settled proposition of law.
- vi. That the driver of offending vehicle-respondent No.8, was not holding valid and effective driving licence to drive the offending vehicle at the time of the accident.
- vii. That the driving licence of the said driver did not bear the requisite endorsement for driving a transport vehicle.

7. Accordingly, he prays that the present appeal be allowed.



8. Per contra, learned counsel for respondents No.1 to 5/claimants contends as under:-

- i. That learned Tribunal has rightly held that accident occurred due to sole negligence of respondent No.8-driver of offending vehicle.
- ii. That learned Tribunal has rightly decided the issue of liability.
- iii. That the compensation awarded by the learned Tribunal is on lower side and claimants/respondent Nos.1 to 5 has filed separate appeal i.e. FAO-8471-2015, titled as Oriental Insurance Company Ltd. Vs. Anvari and others seeking enhancement of compensation. He, therefore, prays that the present appeal be dismissed.

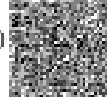
9. I have heard learned counsel for the parties and perused the file with their able assistance.

10. The relevant portion of the award is reproduced as under:-

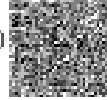
“Issues No.1 to 3:

8. The claimants-petitioners by way of the instant petition have prayed for grant of compensation of an amount of ₹60 lakhs alongwith interest etc. from the respondents on account of death of their relative namely Rahamdeen in a motor vehicle accident due to the alleged rash and negligent parking a motor vehicle i.e. tractor bearing registration no.HR-78-8910 by the respondent No.1 Iqbal Singh. It is asserted by the claimants-petitioners that due to the reason of an untimely death of said Rahamdeen, they have lost their only bread earner and their life has been ruined.

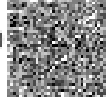
9. Now so far as question of rash and negligent parking of vehicle bearing registration no. HR-78-8910 by the respondent no.1 is concerned, Rafiqdeen, the alleged eye witness of the accident in question stepped into the witness box as PW1 and has reiterated the averments as made by



the claimants-petitioners in their claim-petition so jointly filed on their behalf and deposed that the accident in question took place due to sole rash and negligent parking of tractor bearing registration no.HR-78- 8910 in the middle of the road by respondent no.1 Iqbal Singh. The claimants-petitioners besides proving on the file copy of FIR No.144 dated 3.4.2015, Police Station, Shahabad as Ex.P1 have also proved on the file certified copy of final report under section 173 of the Code of Criminal Procedure as Ex.P3, so presented before the concerned Court in case FIR No.144 dated 3.4.2015, under sections 283, 304-A IPC, Police Station, Shahabad registered against respondent No.1 Iqbal Singh, the driver of the offending vehicle i.e. tractor bearing registration no.HR-78- 8910 meaning thereby that the respondent No.1 is facing trial before the concerned Court, in the above mentioned case and under the aforesaid sections. The aforesaid evidence, oral as well as documentary, so brought on the file is sufficient enough to conclude that the accident in question took place due to rash and negligent parking of the offending vehicle bearing registration no. HR-78-8910 by respondent No.1 and in the said accident said Rahamdeen died due to the injuries received by him. Support in this regard can be taken from the law laid down by the Hon'ble Punjab & Haryana High Court in case titled as Girdhari Lal versus Radhay Shyam, 1993(2) P.L.R. 109 and Gurdeep Kaur versus Tarsem Singh, 2008(2) R.C.R. (civil) 774. 10. Now in order to decide as to whether the respondent no.1 was having a valid driving licence at the time of alleged accident is concerned, to prove this fact, the respondent no.1 has tendered into evidence copy of his driving licence bearing No.HR-0719950049491 as Ex.R2 which is issued by the Licencing Authority (MV), Thanesar, Kurukshetra for driving M/cycle-WG, LMV-NT,



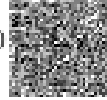
LMV-Tractor only and the same is valid upto 26.08.2024. The respondent no.3 insurance company has not led any evidence on the file whereby disputing the fact of validness of the aforesaid driving licence, Ex.R2, so issued in favour of respondent no.1 by the Licencing Authority, Thanesar and as such it can be safely concluded that the respondent no.1 driver was holding a valid driving licence at the time of alleged accident. 11. Now coming to the point as to what amount of compensation the claimants-petitioners are entitled to. The claimant-petitioner no.1 Smt. Anvari stepped into the witness box as PW2 has deposed that her husband Rahamdeen, who died due to the injuries suffered by him in a motor vehicle accident, at the time of his death, was working as a driver and also doing dairy farming and was thus earning 30,000/- per month and ₹ the claimants-petitioners were dependent upon the income of deceased Rahamdeen. In her cross-examination, she has admitted that she has no record regarding the income and profession of her deceased husband. In the absence of any cogent or convincing evidence regarding proof of the income of said Rahamdeen, the monthly income of said Rahamdeen, as per orders dated 20.2.2015 passed by the Deputy Commissioner, Kurukshetra relating to the pay and wages of the employees for the period 01.03.2015 to 29.02.2016, can be assessed at ₹10200/- per month to be that of a casual labourer. PW2 Anvari has stated that deceased Rahamdeen was 35 years of age at the time of his death and so is the age recorded in the copy of postmortem report, so proved on the file as Ex.P2 and as such the age of deceased Rahamdeen in the absence of any other proof at the time of his death is taken as 35 years. Now so far as question of grant of future prospects is concerned, in case titled as Rajesh and others versus Rajbir



Singh and others 2013 ACJ 1403 (S.C.), it has been observed by the Hon'ble Supreme Court of India that:

“in the case of self employed or persons with fixed wages, in case of deceased victim was below 40 years, there must be an addition of 50 percent to the actual income of the deceased while computing future prospects.”

In view of the law laid down by the Hon'ble Apex Court, the income of deceased Rahamdeen , while considering him of the age of 35 years at the time of his death, shall be ₹15,300/- (₹10200/- + ₹5100/- i.e. 50%) per month. Now so far as contribution of deceased Rahamdeen towards his family is concerned, the said Rahamdeen, has left behind his widow, i.e. the claimant-petitioner no.1, one son, i.e. the claimantpetitioner no.2, three daughters, i.e. the claimants-petitioners no. 3 to 5 and his parents, i.e. the claimants-petitioners no.6 and 7. So, while taking support from the case titled as Smt. Sarla Verma and others versus Delhi Transport Corporation and another 2009(3) Recent Civil Reports page 77 (S.C.), one fifth of the total income i.e. ₹3060/- is to be deducted as personal and living expenses of the said Rahamdeen deceased. While taking into consideration the aforesaid facts, the contribution of the deceased Rahamdeen towards his family comes to be ₹12,240/- per month. Now while taking into consideration age of said Rahamdeen as 35 years, the suitable multiplier shall be that of 16. Thus, the amount of compensation comes to be ₹23,50,080/- (12240x12x16= ₹23,50,080/-). The claimant-petitioner no.1 is also awarded a sum of ₹1,00,000/- for loss of consortium. The claimants-petitioners are further awarded a sum of ₹25,000/- towards transportation and funeral expenses. The claimants-petitioners no. 2 to 5 are also awarded a sum of ₹1,00,000/-



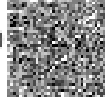
each as of loss of care and guidance for minor child. So, the total amount of compensation comes to ₹28,75,080/-. Hence, all these issues are decided accordingly.”

11. A perusal of award reveals that the findings recorded by the learned Tribunal do not suffer from any infirmity, much less perversity, warranting interference by this Court.

12. A perusal of the impugned award would reveal that learned Tribunal has undertaken a proper appreciation of both oral as well as documentary evidence available on record. The testimony of PW-1 Rafiqdeen, who is an eye-witness to the occurrence, inspires confidence and has remained unshaken on material particulars. He has categorically deposed that the offending vehicle, i.e. tractor bearing registration No. HR-78-8910, was parked in the middle of the road in negligent manner by respondent No.8-Iqbal Singh, which directly resulted in the accident leading to the death of Rahamdeen. Nothing substantial could be elicited in his cross-examination so as to discredit his version.

13. The said ocular testimony stands duly corroborated by the documentary evidence placed on record, including FIR No.144 dated 03.04.2015 (Ex.P-1) and the final report under Section 173 Cr.P.C. (Ex.P3), wherein respondent No.8 (driver) has been arrayed as an accused for offences punishable under Sections 283 and 304-A IPC. The pendency of criminal proceedings against respondent No.8/driver of the offending vehicle further lends assurance to the case set up by the claimants.

14. In view of the consistent and cogent evidence, the learned Tribunal has rightly concluded that the accident in question occurred due to the rash and

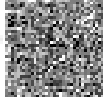


negligent parking of the offending vehicle by respondent No.8, resulting in the fatal injuries to the deceased Rahamdeen. The said finding is based on proper appreciation of evidence and is in consonance with the settled principles of law laid down by Apex Court, and thus deserves to be affirmed.

15. Coming to the contention raised by learned counsel for the appellant–Insurance Company that as per the site plan (Ex.P4), the offending vehicle was parked on the left side of the road and, therefore, negligence cannot be attributed to the driver, the same is found to be wholly misconceived and devoid of merit.

16. A careful scrutiny of the site plan (Ex.P4) does not support the argument advanced on behalf of the Insurance Company. Rather, the site plan clearly indicates that the offending tractor-trolley was parked in such a manner that it occupied a substantial portion of the road, virtually towards the middle, thereby obstructing the free flow of traffic. The manner of its parking, as depicted in the site plan itself, reinforces the conclusion that the vehicle was not safely parked on the extreme left side, but was negligently left in a position hazardous to other road users.

17. Even otherwise, merely describing the position of the vehicle as being on the “left side” does not *ipso facto* absolve the driver of negligence, particularly when the placement is such that it creates a traffic hazard. In the present case, the evidence on record unmistakably demonstrates that the offending vehicle was parked in a dangerous manner without taking necessary precautions, which directly contributed to the occurrence of the accident.

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18. Accordingly, the contention raised by the appellant–Insurance Company is rejected, and the findings of the learned Tribunal on the issue of rash and negligent parking of the offending vehicle are hereby upheld.

19. Adverting now to the second limb of argument of learned counsel for the appellant-Insurance Company that the driver of offending vehicle/respondent No.8 did not possess valid and effective driving licence at the time of accident is concerned, the same is bereft of merit. A perusal of Insurance Policy and driving licence reveals that the offending vehicle was a tractor. As per the record, the gross vehicle weight of the offending vehicle (tractor) is recorded as around 1650 kilograms, i.e. below 7500 kilograms. Thus, the vehicle clearly falls within the category of a Light Motor Vehicle.

20. In view of the aforesaid factual position, the finding recorded by the learned Tribunal that there is no violation of insurance policy is in consonance with judgment of Hon’ble Supreme Court.

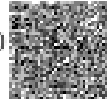
21. This Court in **FAO-3952-2006, titled as “United India Insurance Company and others Vs. Manjit Kaur and others”, decided on 07.11.2024,** while relying upon the Constitution Bench judgment of the Hon’ble Supreme Court in **M/s Bajaj Allianz General Insurance Co. Ltd. v. Rambha Devi & Ors., 2024 INSC 840,** has held that a driver holding a valid LMV licence is competent to drive a transport vehicle of that class having a gross vehicle weight not exceeding 7500 kilograms, without any separate endorsement.

22. In the light of the above discussion and the settled position of law, the findings of the learned Tribunal holding insurance company liable to pay compensation is hereby affirmed.



23. Now coming to the contention of learned counsel for appellant-Insurance company that learned Tribunal has erred in taking age of deceased by placing reliance on post mortem report and same is also found unsustainable in the eyes of law. It is settled proposition of law as held by ***Hon'ble the Supreme Court in Sunita Vs. Vinod Singh 2025 INSC 366*** wherein the Hon'ble Apex Court held that in absence of material indicating to the contrary, there is no inhibition to accept the age of deceased as per post mortem report. The relevant extract of the same is reproduced as under:-

“11. The amount arrived at by the High Court of the monthly income being Rs. 5,819/- (Rupees Five Thousand Eight Hundred and Nineteen) as against the claim of Rs. 10,000/- (Rupees Ten Thousand) appears to be on the lower side as the total earning of the deceased from family pension itself ought to have been considered which itself would come to Rs. 5,137/- (Rupees Five Thousand One Hundred and Thirty-Seven) to which the notional wages as a home maker had to be added, which we find is reasonable as has been taken by the High Court at Rs. 2,500/- (Rupees Two Thousand Five Hundred). Thus, the monthly income would come to Rs. 7,637/- (Rupees Seven Thousand Six Hundred and Thirty- Seven), which we are inclined to round off at Rs. 7,000/- (Rupees Seven Thousand). Coming to the multiplier factor which is dependent on the age, there is sufficient indication that the deceased was aged about 45 years as per the Post-Mortem Report which is a scientific assessment of the age of the deceased. The purported discrepancy in the age with regard to that of the claimant and the deceased is erroneous for the reason that when the claim was filed, appellant no.1 was aged about 30 years and a difference of 15 years between the daughter-in-law and the mother-in-law cannot be said to be totally devoid of reality given the

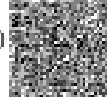


*contextual and prevalent societal norms in vogue at the time of marriage of the deceased which could have been at least 25 to 30 years prior to her death i.e., in or about the 1970s. Moreover, in the absence of material indicating to the contrary, there is no inhibition to accept the age of the deceased as per the Post-Mortem Report. Thus, we are inclined to grant her the benefit of multiplier of 14 taking her age as 45 years. With regard to the loss of love and affection, Pranay Sethi (supra) grants Rs. 40,000/- (Rupees Forty Thousand) per head with escalation of 10% every three years for loss of consortium which has been interpreted in **Magma General Insurance Co. Ltd. v. Nanu Ram, (2018) 18 SCC 130** to include spousal, parental, and filial consortium. Thus, there being five claimants the amount shall be [Rs. 48,000/- x 5] which comes to Rs. 2,40,000/- (Rupees Two Lakhs and Forty Thousand) payable under the head of loss of love and affection.”*

24. In view of the above, the learned Tribunal has rightly taken the age of deceased as 35 years by placing on record post-mortem report (PMR).

25. With regard to the contention raised by learned counsel for the appellant–Insurance Company that the learned Tribunal has erred in taking monthly income of deceased by placing on reliance DC rate instead of minimum wages is concerned same is also bereft of merit. This Court earlier has already dealt with similar issue in FAO-6751-2017 titled as “**National Insurance Co. Ltd. Vs. Vimal Kaur and Ors.**” decided on 18.12.2025 has held that income of deceased can be assessed by taking into account the DC rates. The relevant portion of the same is reproduced as under:-

“6. At the outset, it is apposite to reiterate the well-settled principle governing appellate jurisdiction. It is trite



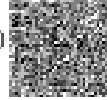
law that a Court sitting in appeal does not substitute its own view for that of the Court below merely because an alternative view is possible. Interference is warranted only where the impugned findings are vitiated by perversity, illegality, or material irregularity, or suffer from such infirmities as render them unsustainable in law. In the absence of such vitiating factors, interference in appellate jurisdiction is wholly unwarranted.

7. In the present case, a perusal of the record shows that the driving licence of the deceased was produced and exhibited as Ex. R-6. The said licence clearly reflects that the deceased was authorised to drive heavy and medium goods vehicles. Thus, the deceased was duly qualified to be treated as a skilled worker in the category of heavy vehicle driver.

8. There is nothing on record to demonstrate that the wage rates notified by the Deputy Commissioner, Kurukshetra, were not applicable to the deceased. In the absence of any cogent evidence to the contrary, the learned Tribunal was justified in relying upon the said notification while determining the income of the deceased. The approach adopted by the Tribunal cannot be said to be arbitrary or erroneous.

*9. The aforesaid view also finds support from the judgment of the Hon'ble Supreme Court in **Saroj & Ors. v. IFFCO-Tokio General Insurance Co. & Ors., 2024 INSC 816**. The relevant extract of the same is reproduced as under:-*

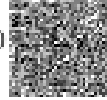
“5. On appeal to the High Court, vide judgment and order dated 9th March, 2023 passed in FAO Nos.8504 of 2017 (O&M) and 6836 of 2017 (O&M) the amount awarded by the MACT was reduced



to Rs.9,22,336/- noting that minimum wage rates issued by the Government are uniformly applicable throughout the State and, therefore, constitute a better measure for calculating the notional income of a deceased person, as opposed to special DC rates notified by the Deputy Commissioner of a District, and, therefore, would only be applicable to that particular district. Further, it was observed that with respect to the age at the time of death, the Aadhar Card of the deceased records his date of birth to be 1st January 1969; thus, the age comes to 47 years. Hence, the multiplier applicable would be 13.

6. The claimant-appellants, aggrieved by the reduction, have approached this Court. Before us, it was contended that the multiplier applicable would be 14 since, in the School Leave Certificate the date of birth of the deceased is shown as 7th October, 1970. His age, then at the time of the accident was 45 years. They were further aggrieved by the calculation of monthly income to be Rs.5,886/-.

7. Notice was issued on 17th October, 2023. The matter was then sent to Lok Adalat by way of an order dated 23rd July 2024. A subsequent order dated 2nd August 2024 records that the matter could not be settled.



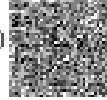
8. We have heard the learned counsel for the parties and also perused the record. The questions arising for consideration are - (a) in case of conflict of the dates of birth between the two documents, as in this case between the School Leaving Certificate and the Aadhar Card, which of the two is to be taken as authoritative; and (b) whether in the facts of the case, the High Court's reduction of the compensation awarded by the learned MACT, was justified and in accordance with law?

9. This Court is of the view that the High Court erred in undertaking the reduction as it has. The reasons therefore are recorded in the following paragraphs.

9.1 The general rule insofar as appellate proceedings are concerned is that a Court sitting in appeal is not to substitute its view for that of the Court below. It is only to see that the decision arrived at is not afflicted by perversity, illegality or any other such vice which may compromise it beyond redemption.

9.2 It is also well settled that an order is not to be interfered with simply because another view is possible, which, in the impugned order the High Court seems to have done.

9.3 The question before the High Court was not as to which yardstick to use to determine the notional income of the deceased was 'better'. Since there is



nothing on record to establish that the rates notified by the District Commissioner, Rohtak, would not apply to the deceased, we find no reason to interfere with the finding of the Tribunal. Further, the testimonies of PWs 2, 5 and 6 show that he is an agriculturist who owned his own tractor and a JCB machine.”

10. *This Court finds no merit in the contention raised by the appellant–Insurance Company on the ground that the learned Tribunal erred in assessing the monthly income of the deceased at ₹15,680/- by placing reliance upon the wage notification issued by the Deputy Commissioner, Kurukshetra, applicable to skilled labour/heavy vehicle drivers, instead of adopting the minimum wages for skilled labour in the State of Haryana i.e. ₹8,245/-.”*

26. A perusal of the award further reveals the income of deceased as assessed by learned Tribunal is on lower side. It transpires from the record that deceased was stated to be working as a driver and earning Rs.30,000/-.

27. Further, in **Chandra @ Chanda @ Chandaram v. Mukesh Kumar Yadav & Ors., (2022) 1 SCC 198**, the Hon’ble Apex Court has held that mere absence of documentary proof of income does not justify the adoption of the lowest slab of DC rate, particularly where other material exists on record to indicate a higher earning capacity.

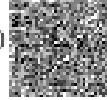
28. In light of the aforesaid authoritative pronouncements, and having regard to the facts and circumstances of the case the monthly income of the deceased is assessed as Rs.12,000/- per month in the interest of justice.



29. A perusal of the record reveals that learned Tribunal has erred in awarding of 50% future prospects instead of 40% as per settled law. Furthermore, compensation awarded under the head of loss of consortium is on higher side and nothing has been awarded under the head of loss of estate. Therefore, the calculation is rework as under:-

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	Rs.12,000/-
2	Future prospects @ 40%	Rs.4,800/- (40% of 12,000)
3	Deduction towards personal expenditure 1/5	Rs.3,360/- (16,800 X 1/5)
4	Total Income	Rs.13,440 (16,800-3,360)
5	Multiplier	16
6	Annual Dependency	Rs.25,80,480/- (13,440 X 12 X 16)
7	Loss of Estate	Rs.15,000/-
8	Funeral Expenses	Rs.25,000/-
9	Loss of Consortium Filial : Rs.40,000 x 4 Spousal: Rs.40,000 x 1 Parental: Rs.40,000 x 2	Rs.2,80,000/-
10	Total Compensation	Rs.29,00,480/-
11	Deduction Amount Awarded by the Tribunal	Rs.28,75,080/-
12	Enhanced amount	Rs.25,400/- (29,00,480-28,75,080)

30. So far as the interest part is concerned, as held by Hon’ble Supreme Court in Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma 2019 ACJ 3176 and R.Valli and Others VS. Tamil Nadu State Transport Corporation (2022) 5 Supreme Court Cases 107, the claimants are granted the interest @ 9% per annum on the enhanced amount from the date of filing of claim petition till the date of its realization.



31. The appellant-Insurance Company is directed to deposit the enhanced amount of compensation along with interest with the Tribunal within a period of two months from the receipt of copy of this judgment. The Tribunal is directed to disburse the enhanced amount of compensation along with interest in the accounts of the claimants/respondents No.1 to 5, as per ratio settled by the learned Tribunal, vide its award dated 11.08.2015. The claimants/respondents No.1 to 5 are directed to furnish their bank account details to the Tribunal.

32. Accordingly, the appeal is dismissed being devoid of any merit.

33. All the pending application(s) also stand disposed of.

27.04.2026

Ayub/Sahil

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/reasoned:
Whether reportable:

Yes / No
Yes / No