



FAO No.4798 of 2017

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

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FAO No.4798 of 2017

Date of decision: February 11th, 2026

Rani

...Appellant

Versus

Mandeep Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Gaurav, Advocate
for Mr. Sanjeev Goyal, Advocate
for the appellant.

Mr. R.C. Gupta, Advocate
for respondent No.3.

VIKAS BAHL, J. (ORAL)

1. Mother of deceased-Gagan has filed the present appeal for enhancement of compensation. The Motor Accidents Claims Tribunal vide award dated 04.07.2016 had awarded an amount of ₹10,97,000/- along with interest to the appellant as compensation on account of death of said Gagan which took place in a motor vehicular accident on 12.04.2015. The deceased was stated to be 25 years of age as per the Post-Mortem Report.

2. Learned counsel for the appellant has submitted that in the present case, the Tribunal has assessed the monthly income to be only ₹6,000/- per month, whereas at the relevant time, the minimum wages payable to an unskilled person was ₹6,940/- and thus, the monthly income



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should have been taken to be ₹6,940/-. It is submitted that in case the said amount is taken into consideration, then, the total compensation payable to the present appellant would be ₹12,49,280/-, thus, there being an enhancement of ₹1,52,280/-. Learned counsel for the appellant has submitted a chart in support of his arguments which is reproduced hereinunder:

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✓
*APPELLANT HEREIN: CLAIMANTS/ INJURED/ INSURANCE
COMP./OWNER/DRIVER/DRIVER CUM OWNER*

CHALLENGE HEREIN:

✓
LIABILITY:INSURANCE COMP./OWNER/DRIVER

DATE OF ACCIDENT: 12.4.2015

✓
NATURE OF CASE:DEATH/INJURY/DAMAGE TO VEHICLE

AGE OF DECEASED/INJURED: 25 years

DRIVING LICENCE/ROUTE PERMIT/INSURANCE:_____

DETAIL OF RELIEF GRANTED/CLAIMED:

DETAILS	BEFORE THE TRIBUNAL	Compensation payable as per judgments
Income	Monthly: 6000 Annually: 72,000/-	Monthly: Rs6940/- Annually: 83,280/-
Deduction	½	½
Future Prospects	50%	50%
Multiplier	18	18
Loss and affection	Rs.1,00,000/-	Rs.1,00,000/-
Funeral Expenses	Rs.25,000/-	Rs.25,000/-



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Loss of Consortium	Parental- Filial- Spousal-	
Total Compensation	Rs.10,97,000/-	Rs.12,49,280/-
Interest	7.5% P.A.	7.5% P.A.

3. Learned counsel for respondent No.3-Insurance Company, on the other hand, has submitted that in the present case, the future prospects should be 40%, whereas the Tribunal has wrongly granted the same as 50%. It is further submitted that with respect to funeral expenses, loss of estate and loss of consortium, the highest amount that can be granted to the appellant is ₹84,000/- (18000 X 2 + 48000). It is submitted that instead of awarding ₹84,000/-, an amount of ₹1,25,000/- has been awarded on accounts of love and affection and funeral expenses, which is not permissible as per the latest law. It is thus submitted that in the chart submitted by the learned counsel for the appellant, the said amount deserves to be reduced.

4. Learned counsel for the appellant in rebuttal has submitted that 50% future prospects, amount of ₹1 lakh on account of love and affection and amount of ₹25,000/- on account of funeral expenses has been awarded by the Tribunal, as is apparent from paragraph 18 of the award and qua the same, neither cross-objections have been filed by respondent No.3-Insurance Company in the present FAO, which is of the year 2017, nor any appeal has been filed against the award which is of the year 2016 and thus it would not



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be open to respondent No.3 to seek reduction of the amount which has already been awarded by the Tribunal.

5. This Court has heard learned counsel for the parties and has perused the paper book.

6. It is not in dispute that the minimum monthly wages for an unskilled person was ₹6,940/- per month at the relevant time and thus, the income assessed by the Tribunal as ₹6,000/- per month is on the lesser side and the monthly income of the deceased which is required to be taken into consideration is ₹6,940/- per month, as is being claimed by the appellant. It would be relevant to note that in the chart, the appellant has claimed future prospects, amount on accounts of love and affection and funeral expenses, as have been given by the Tribunal in paragraph 18 of the award. The award was passed on 04.07.2016. The Insurance Company has neither filed any appeal nor has filed any cross-objections and thus, it is not open to the Insurance Company to seek reduction of the amount which has been awarded by the Tribunal. Moreover, no law has been cited on behalf of respondent No.3-Insurance Company to show that without filing appeal/cross-objections, the amount which has been awarded by the Tribunal could be reduced by this Court. Accordingly, the appellant is entitled to an additional compensation of ₹1,52,280/-.

7. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the award dated 04.07.2016 passed by



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the Motor Accidents Claims Tribunal is modified and respondent No.3- Insurance Company is directed to pay an additional amount of ₹1,52,280/- along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realisation within a period of six weeks from today.

February 11th, 2026
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned: Yes
Whether reportable: Yes