IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

FAO-6172-2011 (O&M)

Kusum ......Appellant

Vs.

Hargobind and others ......Respondents

Date of Reserve: 16.03.2026
Date of Pronouncement: 17.04.2026
Uploaded on:- 20.04.2026

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. Rajesh Lamba, Advocate, for the appellant.

Mr. Vinod Chaudhri, Advocate,
for respondent No. 3-Insurance Company.

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SUDEEPTI SHARMA J.

1. The present appeal has been preferred against the award dated 15.01.2011 passed in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 by the learned Motor Accident Claims Tribunal, Faridabad (for short, 'the Tribunal'), vide which the claim petition filed by the appellant/claimant was dismissed.

BRIEF FACTS OF THE CASE

2. The brief facts of the case are that on 26.2.2010 at about 9.30 AM, deceased Ashu Sehrawat (26 years), working as Supervisor with M/s Dolphin Freight Movers Export Company and getting Rs. 4,500/- per month, along with the claimant was going on motorcycle No. HR-29U-1264. When he reached near Magpie on G.T. Road. Faridabad, in the meantime offending Tata-407 bearing registration No. HR-69-7446 driven by respondent no. 1 in a rash and negligent

manner came from behind and while trying to overtake the motorcycle of the deceased, had struck the truck with the motorcycle as a result of which the deceased and the petitioner fell down on the road and sustained multiple grievous injuries including head injury, injury on his chest and fracture in his right leg. After the accident, respondent no 1 along with the offending vehicle ran away from the spot. In the meantime Anil Kumar ile respondent No. 4, who was going on his awn car No. DL-3CP-4363 towards Ballabgarh for his personal work, came at the spot and witnessed the accident and he shifted injured to Central Hospital, Faridabad but during treatment deceased succumbed to the injuries on the same day in the hospital. Post mortem on the dead body of the deceased was conducted in B.K. Hospital, Faridabad. FIR No. 100 dated 26.2.2010 was registered under Sections 279 and 304A IPC in the Police Station Central Faridabad.

3. Upon notice of the claim petition, respondents appeared and denied the factum of accident/compensation.

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

> *1. Whether the accident in question took place due to rash and negligent driving of Truck No. HR-69-7446 by Hargobind, respondent no. 17 OPP.*
> *2. If issue no. 1 is proved, to what amount of compensation petitioners and proforma respondents no. 4 and 5 are entitled to and from whom? OPP and OPR.*
> *3. Whether the respondent no. 1 was not holding a valid and effective driving licence at the time of accident and insured had also violated the other terms and conditions of the policy and as such respondent no. 3 is not liable to make payment of compensation, if any? OPR3.*
> *4. Relief."*

5. After taking into consideration the pleadings and the evidence on record, the learned Tribunal dismissed the claim petition of the appellant. Hence the present appeal.

SUBMISSIONS OF THE LEARNED COUNSELS FOR THE PARTIES

6. Learned counsel for the appellant submits that the learned Tribunal erred in dismissing the claim petition, ignoring material evidence on record. He further contends that the FIR, lodged promptly after the occurrence, specifically mentions the registration number of the offending vehicle, and that the challan was duly presented against driver of the offending vehicle upon completion of investigation. These circumstances, it is urged, clearly establish the involvement and negligence of the offending vehicle. He further contends that the compensation as assessed by the learned Tribunal is on the lower side and deserves to be enhanced. Therefore, he prays that the present appeal be allowed.

7. Per contra, learned counsel for the respondent–Insurance Company supports the impugned award and contends that the claimant failed to establish a coherent and reliable sequence proving the involvement of the vehicle. He further argues that there are material contradictions in the testimonies of the witnesses render the claim doubtful. Therefore, he prays that the present appeal be dismissed.

8. I have heard learned counsel for the parties and perused the whole record of this case.

9. Before proceeding further, it is relevant to reproduce the relevant portion of the award, which reads as under:-

> *"ISSUE NO 1.*
> *10 Not only the fact of receipt of injuries (which proved fatal for Ashu Sehrawat Le, husband of claimant), is to be proved by the claimant but it is further to be established that such injuries had*

been caused due to faulty and negligent driving of the offending truck No. HR-69-7446 by its driver.

11.The earliest account of the entire episode available on record is in the FIR (Ex. P1) which had come into being on the information of Anil Kumar (RW1) He is an eye witness of the accident. Claimant herself claimed to be the injured in the said accident. She is thus an eye witness.

12. When this version emerging in the statement of alleged eye witness claimant Smt. Kusum (PW2) and Anil Kumar (RW1) is gauzed in the interface of other attending facts and circumstances, there are serious lapses, missing links and gaping holes which have remained unexplained by the claimant. The same are as under:

I. As per version of the claimant Smt. Kusum (PW2) she did not notice the registration number of the offending vehicle as it had fled away from the spot, whereas as per Anil Kumar (RW1) offending vehicle stopped for two minutes on the spot and thereafter ran away.

II. As per version of Smt. Kusum (PW2), her father-in-law Anil Kumar left home after 20-30 minutes of their departure for going to Lajpat Nagar, Delhi whereas she along with her husband was going to her parents house in village Mohala, Tehsil Ballabgarh, District Faridabad whereas as per version of Anil Kumar (RW1) he was coming from Delhi to Ballabgarh.

III. Smt. Kusum (PW2) admitted in her cross-examination that her father-in-law Anil Kumar reached the spot after 20 minutes;

IV. As per version of Smt. Kusum (PW2) and Anil Kumar (RW1), claimant was not unconscious. Despite that she did not note down the number of offending vehicle,

V. Anil Kumar (RW1) has shown his ignorance about the driver, whether he was a Sardar Ji or not?

VI Name of driver is not mentioned in the FIR, *VII. As per version of Anil Kumar (RW1) he himself brought the police whereas as per the FIR, police reached the Central Hospital on receipt of telephonic information*

VIII. Claimant Smt. Kusum (PW2) and Anil Kumar (RW1) have stated that injured and deceased were firstly taken to Sarvodaya Hospital, Faridabad but have failed to summon record of that hospital to prove that the deceased was firstly taken to Sarvodaya Hospital, Faridabad.

IX How, when and in what circumstances respondent no. 1 came to be labeled as a driver of the offending vehicle, finds no explanation in the entire case of the claimant; and

X. The investigating officer has also not been examined by the claimant. He could have explained the entire set of circumstances giving detailed description as to how the vehicle as the offending one and respondent no. 1 as its driver had been involved in the accident.

13. Learned counsel for the claimant has urged that involvement of respondent no. 1 and the fact of his facing of trial in criminal case is sufficient to prove his negligence in causing the accident.

14. The question here is not as to whether the driver of the offending vehicle was negligent or not but the question is as to whether the TATA-407 was in fact involved in the accident or not and as to who was driving the offending vehicle at the relevant time? Identity of the offending vehicle and of its driver is seriously in question. Evidence produced by the claimant falls woefully short of establishing identity of the offending vehicle and of the respondent no. 1 as driver of the said offending vehicle

15. From the totality of facts as analysed earlier, this case is nothing but is result of a concocted and fabricated version. The vehicle and respondents have falsely been joined merely to gamer compensation

16 In view of the discussion made earlier issue no 1 is decided against the claimant and in favour of the respondents

*17. Though, in view of findings of this Tribunal on issue no. 1, findings on other issues are not called for. However, to avoid remand of the case, in case of reversal of findings on issue no. 1 by the Hon'ble Appellate Court and to approach the matter holistically and wholesomely, it is appropriate to discuss the other issues as well. Reference in this regard may also be made to **Simlesh and others Versus New India Assurance Co. Ltd. AIR 2010 Supreme Court 2591**, wherein it was held that the Tribunal should not have decided issues arising in the claim petition in a piecemeal manner*

ISSUE NO 2

18. Calculation of compensation is to be made to ascertain the amount payable to the claimant. Three variables are necessary, these are age of the deceased, number and financial standing of the dependants and applicable multiplier.

*19. The recent judgment of Hon'ble Supreme Court i.e. **Smt. Sarla Verma and others Versus Delhi Transport Corporation and another 2009(3) RCR (Civil) 77**, provides relevant guidance for adjudication of the matter under controversy.*

20. The post mortem report (Ex P3) shows age of the deceased as 26 years Even in the petition age of the deceased is mentioned as 26 years. No other document proving the age of the deceased has been placed on record. So, there is no reason to disbelieve this version.

21. It was pleaded by the claimant that deceased was working with M/s Dolphin Freight Movers Export Company, Mehrauli, Delhi on monthly salary of Rs. 4,500/-Proforma respondent no. 4 Anil Kumar while entered the witness box has deposed that deceased was getting monthly salary of Rs. 9,000/-. He has produced salary certificate (Mark-A) but the same has not been proved by examining any employee of said concern. Since claimant has failed to prove employment and monthly income of the deceased by leading oral as well as documentary evidence so, for the purpose of granting compensation, approximate income of the deceased is taken as Rs. 3,300/- per month.

22 As per claim petition, Ashu Sehrawat (since deceased) had left behing his widow and parents. It is admitted by claimant Smt. Kusum while appearing as PW2 that they were living in a joint family with her parents-in-law and the deceased was the only earning member in the family in this view of the matter. claimant (widow) and proforma respondents no. 4 and 5 (parents) of the deceased were dependant on his income.

23 There are three dependants ie, widow and parents Keeping in view the number of dependants, it is taken that 1/3 of his income he was spending on himself whereas rest of his income le. Rs 2,200/- he was spending on maintaining his family.

24 So far as age of the deceased is concerned, at the time of death, it was in the age group of 26-30 years and in terms of Smt Sarla Verma and others Versus D.T.C. and others (supra), multiplier of 17 is to be applied.

25 Thus calculating the compensation, annual dependency comes to Rs 26,400/- (Rs. 2,200 X 12) whereas compensation on this court using the multiplier of 17 comes out to be Rs 4,48,800/- (Rs. 26,400 X 171. Out of this amount, proforma respondents no. 4 and 5 (parents of the deceased) are entitled to Rs. 75,000/- each whereas remaining amount shall be paid to the claimant. In addition to this, the claimant-widow is also entitled to Rs. 5,000/- as funeral charges and Rs. 5,000/- towards loss of estate and another sum of Rs. 10,000/- for loss of consortium.

26. Claimant has produced receipt (Ex. P4) for a sum of Rs. 5,000/- issued by QRG Central Hospital & Research Centre Ltd., Faridabad but the same was issued in the name of the claimant. This claim petition is filed by the claimant seeking compensation for the death of Ashu Sehrawat and receipt is in the name of Mrs. Kusum, who is claimant in this case. Since claim petition is for seeking compensation for the death of Ashu Sehrawat, she is not entitled to amount of receipt (Ex. P4).

27 Thus, total amount of compensation comes to Rs. 4.68,800/- (Rs. 4,48,800 +5,000+5,000+ 10,000) payable to the claimant and respondents no. 4 and 5. This issue is decided in favour of *the claimant and against the respondents (except Nos. 4 and 5) but in view of findings under issue no. 1, claimant is not entitled to this amount.*

ISSUE NO. 3

28. Onus to prove this issue was on the respondent no. 3. Neither any evidence was led nor this issue was pressed during the course of arguments by learned counsel for the respondent no. 3. However, on perusal of photocopies of authorization for National Permit (Ex. R2), Certificate of Fitness (Ex. R3). registration certificate (Ex. R4) and driving licence (Ex. R5), it is proved that respondent no. 1 was holding a valid and effective driving licence at the time of accident and insured has not violated any terms and conditions of the insurance policy. Therefore, this issue is decided against the respondent no. 3 and in favour of respondents no. 1 and 2."

Analysis of the Record

10. A careful and comprehensive perusal of the impugned award reveals that the learned Tribunal has fallen into a manifest error in concluding that the claimant failed to establish that the accident in question occurred due to rash and negligent driving of the offending vehicle by respondent No. 1.

11. The record demonstrates that the First Information Report (Ex. P-1) was lodged promptly on the very same day of the occurrence, and significantly, it contains a specific reference to the registration number of the offending vehicle. The contents of the FIR, being the earliest version of the incident, clearly attribute negligence to the driver of the said vehicle. The evidentiary value of such a contemporaneous document cannot be lightly disregarded.

12. It further emerges from the record that, upon completion of investigation, the police authorities found sufficient material to proceed against respondent No. 1 and accordingly presented the final report and filed a challan

against him (Ex. P-2). The testimony of PW-1, Raj Kumar, the criminal Ahlmad, substantiates that the driver of the offending vehicle was, in fact, facing trial in the criminal proceedings arising out of the same occurrence. It is well-settled through a catena of judgments of the Hon'ble Supreme Court that the lodging of an FIR and the filing of a charge-sheet constitute *prima facie* evidence of negligence in proceedings under the Motor Vehicles Act.

13. The deposition of PW-2, Smt. Kusum, widow of the deceased and eyewitness to the occurrence, assumes considerable significance. She has, in clear and unequivocal terms, narrated the manner of the accident and attributed negligence to the driver of the offending vehicle. Despite being subjected to cross-examination, her testimony has remained consistent and unshaken on material particulars. There is no cogent reason discernible from the record to discredit her version.

14. Equally significant is the conduct of respondent No. 1, who chose not to step into the witness box to rebut the allegations levelled against him. In such circumstances, an adverse inference ought to have been drawn against him, in accordance with settled principles of evidence.

15. The learned Tribunal, however, appears to have adopted a hyper-technical approach by isolating minor discrepancies and so-called inconsistencies in the statements of the witnesses, without appreciating that such variations are natural and do not go to the root of the matter. The approach of the learned Tribunal in disbelieving the otherwise cogent evidence on trivial grounds is neither justified nor sustainable.

16. It is trite that proceedings before the Motor Accident Claims Tribunal are summary in nature, and the standard of proof required is that of preponderance of probabilities, and not proof beyond reasonable doubt as in

criminal trials. The learned Tribunal, in the present case, appears to have erroneously applied the stricter standard of criminal jurisprudence, which runs contrary to the settled legal position and defeats the very object of the beneficial legislation.

17. Upon a holistic evaluation of the entire evidence on record, including the consistent and credible testimony of PW-2, the documentary evidence brought on record through PW-1 evidencing the culmination of investigation in the filing of a charge-sheet against respondent No. 1, and the medical evidence corroborating the injuries sustained by the deceased, this Court is of the considered view that the findings recorded by the learned Tribunal are perverse and legally unsustainable.

18. The rejection of the claim petition on hyper-technical grounds, without due regard to the applicable standard of proof, amounts to a manifest error of law warranting interference by this Court.

19. It is held that the claimant has successfully established the occurrence of the accident due to the rash and negligent driving of the offending vehicle by respondent No. 1, and is, therefore, entitled to compensation in accordance with law.

20. Consequently, the appeal deserves to be ***allowed***.

21. Adverting now to the contention of learned counsel for the appellant qua quantum of compensation is concerned, the same is dealt with after taking into account settled law on compensation.

SETTLED LAW ON COMPENSATION

22. Hon'ble Supreme Court in the case of ***Sarla Verma Vs. Delhi Transport Corporation and Another*** **[(2009) 6 Supreme Court Cases 121]**, laid

down the law on assessment of compensation and the relevant paras of the same are as under:-

> "***30***. *Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in Trilok Chandra, the general practice is to apply standardised deductions. Having a considered several subsequent decisions of this Court, we are of the view that where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one-fourth (1/4th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family members exceeds six.*
>
> ***31***. *Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent(s) and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant and the mother alone will be considered as a dependant. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependants, because they will either be independent and earning, or married, or be dependent on the father.*

> ***32***. *Thus even if the deceased is survived by parents and siblings, only d the mother would be considered to be a dependant, and 50% would be treated as the personal and living expenses of the bachelor and 50% as the contribution to the family. However, where the family of the bachelor is large and dependent on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third.*
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> * * * * * *
>
> ***42.*** *We therefore hold that the multiplier to be used should be as mentioned in Column (4) of the table above (prepared by applying Susamma Thomas[3], Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.*

23. Hon'ble Supreme Court in the case of ***National Insurance Company Ltd. Vs. Pranay Sethi & Ors.*** **[(2017) 16 SCC 680]** has clarified the law under Sections 166, 163-A and 168 of the Motor Vehicles Act, 1988, on the following aspects:-

> (A) Deduction of personal and living expenses to determine multiplicand;

(B) Selection of multiplier depending on age of deceased;

(C) Age of deceased on basis for applying multiplier;

(D) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses, with escalation;

(E) Future prospects for all categories of persons and for different ages: with permanent job; self-employed or fixed salary.

The relevant portion of the judgment is reproduced as under:-

> "***52.*** *As far as the* ***conventional heads*** *are concerned, we find it difficult to agree with the view expressed in Rajesh[2]. It has granted Rs.25,000 towards funeral expenses, Rs 1,00,000 towards loss of consortium and Rs 1,00,000 towards loss of care and guidance for minor children. The head relating to loss of care and minor children does not exist. Though Rajesh refers to Santosh Devi, it does not seem to follow the same. The conventional and traditional heads, needless to say, cannot be determined on percentage basis because that would not be an acceptable criterion. Unlike determination of income, the said heads have to be quantified. Any quantification must have a reasonable foundation. There can be no dispute over the fact that price index, fall in bank interest, escalation of rates in many a field have to be noticed. The court cannot remain oblivious to the same. There has been a thumb rule in this aspect. Otherwise, there will be extreme difficulty in determination of the same and unless the thumb rule is applied, there will be immense variation lacking any kind of consistency as a consequence of which, the orders*

passed by the tribunals and courts are likely to be unguided. Therefore, we think it seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000, Rs.40,000 and Rs.15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads.

* * * * *

59.3. *While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax.*

59.4. *In case the deceased was self-employed (or) on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the deceased was between* *the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.*

59.5. *For determination of the multiplicand, the deduction for personal and living expenses, the tribunals and the courts shall be guided by paras 30 to 32 of Sarla Verma[4] which we have reproduced hereinbefore.*

59.6. *The selection of multiplier shall be as indicated in the Table in Sarla Verma[1] read with para 42 of that judgment.*

59.7. *The age of the deceased should be the basis for applying the multiplier.*

59.8. *Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs 15,000, Rs 40,000 and Rs 15,000 respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years."*

24. Hon'ble Supreme Court in the case of **Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram & Others [2018(18) SCC 130]** after considering **Sarla Verma (supra)** and **Pranay Sethi (Supra)** has settled the law regarding consortium. Relevant paras of the same are reproduced as under:-

*"**21**. A Constitution Bench of this Court in Pranay Sethi[2] dealt with the various heads under which compensation is to be awarded in a death case. One of these heads is loss of consortium. In legal parlance, "consortium" is a compendious*

term which encompasses "spousal consortium", "parental consortium", and "filial consortium". The right to consortium would include the company, care, help, comfort, guidance, solace and affection of the deceased, which is a loss to his family. With respect to a spouse, it would include sexual relations with the deceased spouse.

21.1. ***Spousal consortium*** *is generally defined as rights pertaining to the relationship of a husband-wife which allows compensation to the surviving spouse for loss of "company, society, cooperation, affection, and aid of the other in every conjugal relation".*

21.2. ***Parental consortium*** *is granted to the child upon the premature death of a parent, for loss of "parental aid, protection, affection, society, discipline, guidance and training".*

21.3. ***Filial consortium*** *is the right of the parents to compensation in the case of an accidental death of a child. An accident leading to the death of a child causes great shock and agony to the parents and family of the deceased. The greatest agony for a parent is to lose their child during their lifetime. Children are valued for their love, affection, companionship and their role in the family unit.*

22*. Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. Modern jurisdictions world-over have recognised that the value of a child's consortium far exceeds the economic value of the* *compensation awarded in the case of the death of a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child.*

***23**. The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims or their families, in cases of genuine claims. In case where a parent has lost their minor child, or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the head of filial consortium. Parental consortium is awarded to children who lose their parents in motor vehicle accidents under the Act. A few High Courts have awarded compensation on this count. However, there was no clarity with respect to the principles on which compensation could be awarded on loss of filial consortium.*

***24**. The amount of compensation to be awarded as consortium will be governed by the principles of awarding compensation under "loss of consortium" as laid down in Pranay Sethi[2]. In the present case, we deem it appropriate to award the father and the sister of the deceased, an amount of Rs 40,000 each for loss of filial consortium.*

25. A perusal of the impugned award and contentions reveals that the learned Tribunal has rightly taken the age of the deceased as 26 years by placing on reliance post mortem report. A perusal of the award further reveals that the deceased was stated to be working with M/s Dolphin Frieght Movers Export

Company, Mehrauli, Delhi and his monthly income was stated to be Rs.9000/-. A perusal of the award further reveals that salary certificate Mark A was produced on record to prove the salary. However, the learned Tribunal erred in law in not placing reliance on the salary certificate Mark A by holding that no employee of M/s Dolphin Frieght Movers Export Company, Mehrauli, Delhi was examined to prove the salary of the deceased. The said approach of the learned Tribunal is untenable in the eyes of the law. Consequently, the monthly income of the deceased is assessed as Rs.9000/- by placing reliance upon salary certificate Mark A.

26. Furthermore, the learned Tribunal has granted no amount under the heads of future prospects. Moreover, less amount is awarded under the head of loss of estate, funeral expenses and loss of consortium. Therefore, the award requires indulgence of this Court.

CONCLUSION

27. In view of the law laid down by the Hon'ble Supreme Court in the above referred to judgments, the present appeal is allowed. The award dated 15.01.2011 is modified accordingly. The appellant-claimant is entitled to compensation as per the calculations made here-under:-

Sr. No.	***Heads***	***Compensation Awarded***
1	Monthly Income	Rs.9000/-
2	Future prospects @ 40%	Rs.3600/- (40% of 9000)
3	Deduction towards personal expenditure 1/3rd	Rs.4200/- (12600X 1/3)
4.	Total Income	Rs.8400/-(12600-4200)
4	Multiplier	17
5	Annual Dependency	Rs.17,13,600/- (8400X12X17)
6	Loss of Estate	Rs.15,000/-

7	Funeral Expenses	Rs.15,000/-
8	Loss of Consortium Spousal : Rs. 40,000/-x1 Filial : Rs. 40,000/-x2	Rs.1,20,000/-
	Total Compensation to be awarded	**Rs.18,63,600/-**

28. 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 appellant-claimant as well as proforma respondent Nos.4 and 5 are granted the interest @ 9% per annum on the amount from the date of filing of claim petition till the date of its realization.

29. Respondent No.3-Insurance Company is directed to deposit the compensation along with interest with the learned Tribunal within a period of two months from the receipt of copy of this judgment. The learned Tribunal is directed to disburse the compensation along with interest in the accounts of the claimant/appellant as well as proforma respondent Nos. 4 and 5 in the share of 50 percent to the appellant and 25% each to respondent Nos. 4 and 5. The claimant/appellant as well as proforma respondent Nos. 4 and 5 are directed to furnish their bank account details to the learned Tribunal.

30. Pending applications, if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

17.04.2026
Gaurav Arora

Whether speaking/non-speaking : Speaking
Whether reportable : Yes