



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

FAO-3566-2018 (O&M)
Date of Decision: March 16, 2026

Bhola Devi and others

...Appellants

VERSUS

State of Punjab and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.S.K.Choudhary, Advocate
for the appellants.

ARCHANA PURI, J.

CM-12443-CII-2018

Along with the main appeal, the present application has been filed for seeking condonation of delay of 86 days in filing the same.

Keeping in view averments made in the application, the same is allowed and the delay of 86 days in filing the appeal is hereby condoned.

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The appellants-claimants have filed the present appeal, thereby seeking enhancement of the compensation granted by learned Motor Accident Claims Tribunal, on account of death of Ram Chandra Paswan @ Ram Chaudhary, in a motor vehicular accident.

Notice of motion.

At this stage, Ms.Jagriti Kalia, Asstt. Advocate General, Punjab,

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accepts notice on behalf of respondents No.1 and 2 and Mr.Vinod Gupta, Advocate, accepts notice on behalf of respondent No.4-insurance company.

Counsel for the parties heard.

Suffice to consider that in the present case, the accident had taken place on 19.09.2016. On appraisal of the evidence brought on record, learned Tribunal had concluded about the accident to have been caused due to rash and negligent driving of the bus bearing registration No.PB-10FF-5241, driven by respondent No.3-Gurjant Singh and the same resulted into death of Ram Chandra Paswan @ Ram Chaudhary.

So far as, age of the deceased is concerned, it was concluded by learned Tribunal that deceased was 56 years old, at the relevant time. Even though, it was pleaded case of the appellants-claimants about the deceased to be working in Shri Ram Flour Mill, Jagraon and earning Rs.15,000/- per month, but however, there being paucity of evidence, coming on record, regarding vocation followed and qua the extent of income of the deceased, learned Tribunal had assessed the earnings of the deceased as Rs.5000/- per month. Taking it to be so, after making deduction to the extent of 1/4th, on the count of 'personal expenses', the residue earning was worked upon as Rs.3750/- per month, annual whereof is Rs.45,000/-. Considering the age of the deceased to be 56 years, multiplier of '9' was applied and the loss of dependency was worked upon as $\text{Rs.45,000} \times 9 = \text{Rs.4,05,000/-}$.

Besides the same, on the count of 'love and affection, transportation of dead body and funeral expenses', another sum of Rs.20,000/- was awarded. Thus, the total compensation to the extent of Rs.4,25,000/- was awarded.



However, considering claimants No.2 to 4 to be married sons and claimant No.5 to be married daughter as well as considering the cross-examination of PW-1 Bhola Devi, widow of the deceased, with regard to claimants No.2 and 4 to be working in flour mill and earning, they were not considered to be dependent and as such, only appellants-claimants No.1, 6 to 8 were held entitled to compensation.

Out of the compensation worked upon aforesaid, appellant-claimant No.1 was held entitled to Rs.2,75,000/-, whereas, appellants-claimants No.6 to 8 were held entitled to Rs.50,000/- each.

However, the 'work on' of the compensation aforesaid, do call for re-computation.

Before proceeding further, it is pertinent to mention that so far as married sons i.e. appellants-claimants No.2 to 4 as well as married daughter i.e. appellant-claimant No.5 are concerned, they have been denied the compensation. But however, fact remains that they are the children of the deceased and that being so, keeping in view the law laid down in ***National Insurance Company Limited v. Birender, (2020) 11 SCC 356***, even the married children, cannot be denied compensation, solely on account of they being major and settled in their own lives. The fact remains, in our Indian society, even though, the children may be married, still the parents shower their love and affection upon them and there is dependency of the children upon the parents, which may not be financial, many a times, but however, the same may be gratuitous service dependency, physical dependency, emotional dependency, psychological dependency, and so on and so forth, which can never be equated in terms of money. Similarly, though, appellant-



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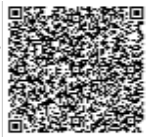
claimant No.5 is a married daughter of the deceased and living in her matrimonial home, but however, looking at the conditioning of Indian society, the married daughters are dependent, off and on, upon their parents, even though, they may reside happily in their matrimonial home. Thus, appellants-claimants No.2 to 5 are also entitled to compensation. However, the extent of compensation, may be worked upon, taking into consideration the circumstances, coming forth.

In the light of the aforesaid, the deduction, on the count of 'personal expenses' as made by learned Tribunal, also calls for reduction. As per *Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77*, considering the number of dependents, the deduction to the extent of 1/5th ought to be made, instead of 1/4th, as done by learned Tribunal.

Proceeding further, learned Tribunal had assessed the monthly income of the deceased as Rs.5000/- per month. However, in any case, the earnings of the deceased cannot be taken lower than the minimum wages, prevalent at the relevant time. In the light of the same, it is just and appropriate to consider the earnings of deceased as Rs.7000/- per month.

Considering the age of the deceased to be 56 years, addition of 10% ought to be made, on the count of 'future prospects' and appropriate multiplier to be applied is '9'.

Besides the aforesaid, under the conventional heads, the amount of compensation awarded by learned Tribunal, needs to be enhanced. It is pertinent to note that an amount of Rs.20,000/- has been awarded, on the count of 'love and affection, transportation of dead body and funeral



expenses’, which is required to be bifurcated.

As per *Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130*, all the dependents are entitled to compensation, on the count of ‘loss of consortium, be it ‘filial’, ‘spousal’ or ‘parental’, which also comprehends ‘loss of love and affection’. As per *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, the base amount on the count of ‘loss of consortium’ is Rs.40,000/-, which calls for enhancement to the extent of 10%, after every three years of passing of the judgment and the prevalent amount payable is Rs.48,400/-. Thus, all the appellants-claimants are entitled to compensation, on the count of ‘loss of consortium’ to the extent of Rs.48,400/- each i.e. $Rs.48,400 \times 8 = Rs.3,87,200/-$. Similarly, on the count of ‘loss of estate’ and ‘funeral expenses’, the amount now payable is **Rs.18,150/-** on each count.

Considering the same, the compensation payable to appellants-claimants, on account of death of Ram Chandra Paswan @ Ram Chaudhary is re-computed, as herein given:-

Earnings	Rs.7000/- per month
Addition of 10%	$Rs.7000 + 700 = Rs.7700/-$
Deduction of 1/5th	$Rs.7700 - 1540 = Rs.6160/-$ annual whereof is Rs.73,920/-
Multiplier of ‘9’	$Rs.73,920 \times 9 = Rs.6,65,280/-$
Loss of consortium	Rs.3,87,200/-
Loss of estate	Rs.18,150/-
Funeral expenses	Rs.18,150/-
Total	Rs.10,88,780/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal, comes to be **Rs.10,88,780-**



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4,25,000=Rs.6,63,780/-. On the enhanced amount of the compensation i.e. Rs.6,63,780/-, the appellants-claimants shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation. Out of the enhanced compensation, as now worked upon, i.e. Rs.6,63,780/-, appellants-claimants No.2 to 8 are held entitled to Rs.50,000/- each, whereas, appellant-claimant No.1 is held entitled to residue amount of Rs.3,13,780/-.

Accordingly, the impugned Award dated 21.04.2017 stands modified, to the extent, as indicated aforesaid.

With the above observations, the present appeal stands allowed.

March 16, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No