IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Sr. No.146

FAO-6857-2017

Date of Decision: 12.02.2026

BIMLA AND OTHERS

....Appellants

Versus

SUNIL KUMAR AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Sandeep Goyat, Advocate
for the appellants.

Mr. Sarthak Mehta, Advocate for
Mr. P.H.S. Pannu, Advocate
for respondent No.3-Insurance Company.

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ARCHANA PURI, J. (Oral)

The present appeal has been filed by the appellants/claimants for seeking enhancement of compensation.

Perusal of the paperbook reveals that notice was not issued in the present case. However, on the asking of the Court, Mr. Sachin Gupta, Advocate, had made appearance on behalf of respondent No.3-Insurance Company and the matter was referred to Mediation and Conciliation Centre. However, the efforts for mediation did not fructify. Today, Mr. Sarthak Mehta, Advocate, is making appearance on behalf of Mr. P.H.S. Pannu, counsel for the Insurance Company.

In the given circumstances, since the liability of the respondents is joint and several, issuance of formal notice to respondent No.3-Insurance Company, is hereby dispensed with, as counsel is already making appearance.

Counsel for the parties heard.

Suffice to consider that the accident in question had taken place on 23.12.2015. Subhash-deceased was 45 years old, at the relevant time and he died, on account of rash and negligent driving of Ritz Car bearing No. HR-20AB-8702, driven by respondent No.1. The aforesaid observations have not been disputed by the counsel for the parties.

It is pertinent to mention that the deceased was asserted to be indulging in agricultural work, while working on the land taken on contract basis. However, as observed in the impugned Award, no evidence, relating to the same had come on record. Even, counsel for the appellant, now does not dispute about the same and he submits that the compensation worked upon by learned Tribunal, as per the minimum wages, is acceptable to him. Considering the amount of Rs.6,000/-, taken as per the minimum wages, learned Tribunal had worked upon the compensation, which is reproduced in tabular form, as hereingiven:-

Earnings assessed	Rs. 6,000/-
Deduction (1/4th), on account of personal expenses	Rs. 1,500/-
Loss of dependency	Rs.4,500/- (6000 – 1500), annual whereof comes to Rs.54,000/-
Multiplier applied (14)	Rs. 54,000 * 14 = Rs. 7,56,000/-
Compensation on the count of 'love	Rs.25,000/-

and affection'	
Compensation on the count of 'funeral expenses'	Rs. 25,000/-
Compensation on the count of 'transport and miscellaneous expenses'	Rs. 4,000/-
Total	Rs.8,10,000/-

However, the ***'work on'*** of the compensation aforesaid, do call for recomputation, as per the prevalent law.

So far as, earnings of the deceased are concerned, the same have been appropriately considered by learned Tribunal, as per the minimum wages, prevalent at the relevant time in the State of Haryana, which were to the extent of Rs.5886.67. Considering the number of dependents of the deceased, the deduction has been appropriately made, to the extent of 1/4th. Even, multiplier has been appropriately applied. However, as per the prevalent law, considering the age of the deceased, there has to be addition to the extent of 25%, which in the present case comes to Rs.1,125/-. Making addition of the same, the monthly 'loss of dependency' is worked upon as Rs.5,625/- (4500 + 1125), annual whereof is Rs.67,500. Suitable multiplier is '14' and while applying the same, the amount works upon as **Rs.9,45,000/-** (67,500 x 14).

Besdies the aforesaid, as per '***National Insurance Company Limited Vs. Pranay Sethi and others' 2017(4) RCR (Civil) 1009***, considering the base amount of Rs.40,000/-, to be paid on the count of 'loss of consortium', which is having a clause of 10% enhancement, after every 3 years of pronouncement, now, the amount payable to each dependent is

Rs.48,400/-. While taking it to be so, the amount on the count of 'loss of consortium' works upon as Rs.1,93,600 (48,400 x 4).

Though, separate amount of Rs.25,000/- has been given towards love and affection, but however, in view of the law laid down in ***'Magma General Insurance Co. Ltd. V/s. Nanu Ram @ Chuhru Ram and others' 2018 (4) RCR (Civil) 333***, with regard to 'loss of consortium' to be comprehending even 'love and affection', no separate amount is to be computed towards this count of 'love and affection'. Even, the compensation is not to be awarded, on the count of 'transportation and miscellaneous expenses'.

Besides the aforesaid, another amount of Rs.36,300/- (18,150 + 18,150), is to be awarded on the counts of 'loss of estate', as well as 'funeral expenses'.

In view of the aforesaid, the compensation, now awarded is hereingiven, in tabular form:-

Earnings assessed	Rs. 6,000/-
Deduction (1/4th), on account of personal expenses	Rs. 1,500/-
Loss of dependency (Monthly)	Rs.4,500/-
Addition of 25% (on the count of 'future prospects')	Rs.5,625/- (4500 + 1125)
Loss of dependency (annual)	Rs.67,500/- (5,625 x 12)
Multiplier applied (14)	Rs. 9,45,000/- (67,500 x 14)
Compensation on the count of 'loss of consortium'	Rs.1,93,600 (48,400 x 4)
Compensation on the count of 'funeral expenses'	Rs. 18,150/-
Compensation on the count of 'loss	Rs. 18,150/-

of estate'	
Total	Rs.11,74,900/-

After deducting an amount of Rs.8,10,000/- which has already been awarded by learned Tribunal, from Rs.11,74,900/-, the appellants are entitled to enhanced amount of Rs.3,64,900/-. The enhanced amount shall be payable by the Insurance Company, within a period of 45 days. On the enhanced amount, the appellants shall be held liable to the interest @ 6% per annum, from the date of filing of the appeal. In case of any default on the part of the Insurance Company, to make the payment in the given period, it shall be liable to pay penal interest @ 8% per annum, till realization.

(ARCHANA PURI)
JUDGE

12.02.2026
Himanshu Vats

Whether speaking/reasoned : Yes

Whether reportable : Yes/No