



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

FAO-8700-2017 (O&M)
Date of Decision: March 16, 2026

Mala 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.

Ms.Jagriti Kalia, Asstt. Advocate General, Punjab
for respondents No.1 and 2.

Mr.Vinod Gupta, Advocate
for respondent No.4.

ARCHANA PURI, J.

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 Jay Prakash Paswan, in a motor vehicular accident, which took place on 19.06.2016.

Suffice to consider that 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 Jay Prakash Paswan.



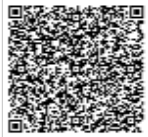
On the basis of the evidence, brought on record, deceased was held to be 42 years old, at the relevant time. Though, it was pleaded case of the appellants-claimants about deceased to be working in Shri Ram Flour Mill, Jagraon and earning Rs.15,000/- per month, but however, on appraisal of the evidence, the earnings of the deceased was assessed as Rs.5,000/- per month. 1/4th was deducted, on the count of 'personal expenses' and monthly dependency was worked upon as Rs.3750/-, annual whereof is Rs.45,000/-. Multiplier of '14' was applied and loss of dependency was worked upon as $\text{Rs.45,000} \times 14 = \text{Rs.6,30,000/-}$.

Besides the same, another amount of Rs.20,000/- was awarded towards 'loss of love & affection, transportation of dead body and funeral expenses'. Thus, the total compensation to the extent of Rs.6,50,000/- was awarded.

However, as per prevalent settled law, the 'work on' of the compensation aforesaid, do call for re-computation.

So far as, the age of the deceased is concerned, as taken by Tribunal is 42 years and the same, as such is not disputed. Even though, on the lack of the evidence brought forth, the deceased is not evidently established to be working in Shri Ram Flour Mill, Jagraon and earning Rs.15,000/- per month, but 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 42 years, addition of 25% ought to be made, on the count of 'future prospects'. Further, the deduction,



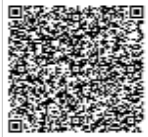
on the count of ‘personal expenses’ ought to be made to the extent of 1/4th and appropriate multiplier to be applied is ‘14’, as applied by learned Tribunal.

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. $\text{Rs.48,400} \times 4 = \text{Rs.1,93,600/-}$. 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 Jay Prakash Paswan is re-computed, as herein given:-

Earnings	Rs.7000/- per month
Addition of 25%	$\text{Rs.7000} + 1750 = \text{Rs.8750/-}$



Deduction of 1/4th	Rs.8750-2187=Rs.6563/- annual whereof is Rs.78,756/-
Multiplier of ‘14’	Rs.78,756x14=Rs.11,02,584/-
Loss of consortium	Rs.1,93,600/-
Loss of estate	Rs.18,150/-
Funeral expenses	Rs.18,150/-
Total	Rs.13,32,484/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal, comes to be **Rs.13,32,484-6,50,000=Rs.6,82,484/-**. On the enhanced amount of the compensation i.e. **Rs.6,82,484/-**, 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.6,84,484/-**, appellants-claimants No.2 to 4 are held entitled to **Rs.1,00,000/-** each, whereas, appellant-claimant No.1 is held entitled to residue amount of **Rs.3,82,484/-**.

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