



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

FAO-6855-2019 (O&M)
Date of Decision: February 10, 2026

Ram Phal

...Appellant

VERSUS

Rajender Kumar Dhanial and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Chand Rom Olla, Advocates
for the appellants.

Mr.Maninder Arora, Advocate for
Mr.Harmeet Singh, Advocate
for respondent No.2.

ARCHANA PURI, J.

CM-23482-CII-2019

The present application has been filed for seeking condonation of delay of 346 days in filing the appeal.

Keeping in view the averments made in the application, the same is allowed and delay of 346 days in filing the appeal is condoned. However, the applicant-appellant, shall not be entitled to interest, relating to the period of delay condoned.

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The present appeal has been filed by the appellant-claimant, thereby, seeking enhancement of the compensation awarded by learned

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Motor Accident Claims Tribunal, on account of death of his father Ram Kumar, in a motor vehicular accident.

Suffice to consider that the accident had taken place on 01.11.2016. 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 car bearing registration No.HR-08N-0106, driven by respondent No.1-Rajender Kumar Dhania.

However, no counter appeal has been filed by the respondents.

Even though, it was pleaded case of the appellant-claimant that the deceased, his father was 65 years old and was working as agriculturist as well as also running milk dairy and earning Rs.30,000/- per month, but however, during the course of submissions, counsel for the appellant has fairly conceded that apart from statement of the appellant-claimant, there is no other proof, coming on record, with regard to the indulgence of the deceased, in the agricultural pursuit as well as running a milk dairy. Even, no revenue record, as such, has come on record.

With regard to the age of the deceased, no such document had come forth. Considering the post-mortem report Ex.P1, learned Tribunal had appropriately considered the age of the deceased as 69 years.

Due to paucity of evidence, coming on record, with regard to the vocation followed by the deceased, the earnings of the deceased were assessed as that of unskilled labourer, as per prevalent minimum wages i.e. Rs.8070/- per month. Considering the same, an amount of Rs.70,000/- was awarded, on the count of 'loss of estate' and besides the same, amount of Rs.15,000/- each was awarded, towards 'funeral and transportation expenses' as well as 'loss of love and affection'. In total, the compensation

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awarded was to the extent of Rs.1,00,000/-.

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

So far as, the age of the deceased is concerned that has been appropriately considered to be 69 years, in view of the recitals of the post-mortem report Ex.P1, when more particularly, no evidence, as such, has been brought on record, about the age of the deceased. So far as, indulgence of the deceased in agricultural pursuit and running of milk dairy and his earnings to be Rs.30,000/- per month is concerned, as observed aforesaid, counsel for the appellant has fairly conceded that there was only oral testimony of the appellant-claimant. However, no documentary or proper proof, with regard to the same, as observed by the Tribunal, has come on record.

In the light of the same, when no such evidence is coming on record, learned Tribunal had appropriately assessed the earnings of the deceased as Rs.8070/- per month, which were the prevalent minimum wages, payable to an unskilled labourer.

However, lumpsum amount, on the count of 'loss of estate', as such, had been awarded, which was required to have been calculated with the application of appropriate multiplier.

Now, considering the earnings of deceased as Rs.8070/- per month, annual whereof is Rs.96,840/-, the compensation has to be worked upon.

The deduction of 1/2 ought to be made, on the count of 'personal expenses'. Considering the age of the deceased to be 69 years, appropriate multiplier to be applied is '5'. Besides the aforesaid, the



appellant-claimant being son of deceased, is also entitled to compensation, on the count of ‘loss of consortium’. As per *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, the minimum amount payable is Rs.40,000/-. While applying enhancement clause to the extent of 10%, after every three years of passing of the judgment, the compensation payable to the claimant is Rs.48,400/-. On similar parameters, even on the count of ‘loss of estate’, the amount now payable is **Rs.18,150/-**. However, as per the *Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130*, the ‘loss of consortium’ also comprehends the ‘loss of love and affection’ and therefore, no separate amount has to be awarded under this head. Anyhow, on the count of ‘funeral expenses’, the amount payable, at present, is **Rs.18,150/-**.

Considering the same, the compensation payable to appellant-claimant, on account of death of Ram Kumar is re-computed, as herein given:-

Income	Rs.96,840/- per annum
Deduction of 1/2	Rs.96,840-48,420=Rs.48,420/-
Multiplier of ‘5’	Rs.48,420x5= Rs.2,42,100/-
Loss of consortium	Rs.48,400/-
Loss of estate	Rs.18,150/-
Funeral expenses	Rs.18,150/-
Total	Rs.3,26,800/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.3,26,800-1,00,000=Rs.2,26,800/-**. On the enhanced amount of the compensation i.e. **Rs.2,26,800/-**, the appellant-claimant, shall be entitled to the interest, at the



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rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation.

The impugned Award dated 08.08.2018 stands modified, to the extent, as indicated aforesaid.

In view of the aforesaid observations, the present appeal stands allowed.

February 10, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No