IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1813-2018 (O&M)
Date of Decision: May 06, 2026

Bhagta @ Ram Bharat and another
...Appellants

VERSUS

Mukesh Chander and otheres
...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Jitender Dhanda, Advocates
for the appellants.

Mr.Sachin Ohri, Advocates
for respondent No.3.

****

ARCHANA PURI, J.

CM-7170-CII-2018

Along with the appeal for seeking enhancement of compensation, the present application been filed for seeking condonation of delay of 44 days in filing the appeal.

However, perusal of the case file reveals that ever since the file was taken up, it is fixed for amicable settlement time and again before the Lok Adalat. Considering the same and since the insurance company is already represented through counsel, more particularly, when the liability fastened upon the respondents is joint and several, at this stage, the issuance of formal notice, as such, is dispensed with.

Keeping in view the averments made in the application, the same is allowed and the delay of 44 days in filing the appeal, is hereby condoned.

FAO-1813-2018

Not being satisfied with the extent of compensation awarded by learned Motor Accident Claims Tribunal, on account of death of their son Monu @ Mohni @ Moni, in a motor vehicular accident, the appellants-claimants, have filed the present appeal.

Suffice to consider that the accident had taken place on 05.08.2016. On appraisal of the evidence, brought on record, it was held by learned Tribunal that accident had taken place, due to rash and negligent driving of the jeep Bolero bearing registration No.HR-61A-3564, driven by respondent No.1-Mukesh Chander and the same resulted into the death of Monu @ Mohni @ Moni.

It was pleaded case of the appellants-claimants that their son Monu @ Mohni @ Moni-deceased was 22 years old and he was indulging in Plaster of Paris work and also indulged in sale of milk and his earning were Rs.30,000/- per month.

However, on appraisal of the evidence, brought on record, learned Tribunal had considered the deceased to be 22 years old and also held that no documentary evidence, with regard to the extent of earnings of the deceased has come on record and thus, considering the deceased to be unskilled worker, had assessed his earnings as Rs.10,000/- per month. Since, the deceased was bachelor, 50% deduction was made, on the count of 'personal expenses'. Thereupon, considering the annual earnings as Rs.60,000/-, multiplier of '14' was applied and loss of dependency was worked upon as Rs.8,40,000/-. Besides the same, another amount of

Rs.25,000/- was awarded, towards 'funeral expenses' and the compensation was worked upon as Rs.8,65,000/-. Even, on the count of 'loss of love and affection', Rs.50,000/- each was awarded to the appellants-claimants. Thus, in total, the compensation to the extent of Rs.9,65,000/- was awarded. The liability fastened upon the respondents was joint and several.

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

It is necessary to pin point that it is categoric claim of the appellants-claimants about the deceased to be doing Plaster of Paris work and also indulging in sale of milk. As observed by learned Tribunal, mother of deceased, in her affidavit Ex.PW1/A, has deposed to this effect. Even though, no documentary proof, relating to the vocation followed by the deceased and extent of his earnings, as such, has come on record, but however, it is a matter of common knowledge that where such kind of vocation is followed by a person, there is not much documentary proof, coming on record. In any case, there is no reason coming forth to discard the testimony of mother of the deceased, with regard to indulgence of the deceased in Plaster of Paris work.

Considering the testimony of mother of the deceased, the deceased, in the minimum, could be taken as 'skilled' worker. Considering him to be a skilled worker, it is also pertinent to mention that in State of Haryana, the minimum wages, prevalent at that time, was Rs.9342.53 per month. Taking it to be so, the extent of earnings taken by learned Tribunal as Rs.10,000/-, cannot be said to be on higher side and it has been appropriately taken.

Even, deduction to the extent of 50%, on the count of 'personal expenses' has been correctly made and the loss was thus taken as Rs.5,000/- per month. However, considering the age of the deceased, as per ***National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009***, on the count of 'future prospects', addition of 40% ought to be made and thus, the loss of earnings comes to be Rs.5,000+2000=Rs.7,000/- per month, annual whereof is Rs.84,000/-.

Moreover, the multiplier of '14' applied by learned Tribunal is erroneous. As per ***Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77***, the suitable to be applied is '**18**' and while applying the same, the loss of dependency is worked upon as Rs.84,000x18=**Rs.15,12,000/-**.

Besides the aforesaid, under the conventional heads also, the compensation awarded by learned Tribunal calls for intervention. Rs.50,000/- each has been awarded to the appellants-claimants, on the count of 'loss of love and affection' and Rs.25,000/-, on the count of 'funeral expenses', which are on a higher side.

As per ***Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130***, the claimants 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 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 amount of compensation payable is Rs.48,400/- i.e. Rs.48,400x2=**Rs.96,800/-**. On similar parameters, on the count of 'funeral expenses', the amount now payable is **Rs.18,150/-**. The compensation, on the count of 'loss of estate' has been given amiss and on this count also, the amount payable, at present, is **Rs.18,150/-**.

Considering the same, the compensation payable to appellants-claimants, on account of death of Monu @ Mohni @ Moni, is re-computed, as herein given:-

Loss of dependency	Rs.15,12,000/-
Loss of consortium	Rs.96,800/-
Loss of estate	Rs.18,150/-
Funeral expenses	Rs.18,150/-
Total	**Rs.16,45,100/-**

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.16,45,100-9,65,000=Rs.6,80,100/-**. On the enhanced amount of the compensation i.e. **Rs.6,80,100/-**, 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. The enhanced amount of compensation shall be disbursed to the appellants-claimants in equal shares.

The impugned Award dated 14.08.2017 stands modified, to the extent, as indicated aforesaid.

With the above observations, the present appeal stands allowed.

May 06, 2026 **(ARCHANA PURI)**
Vgulati **JUDGE**

Whether speaking/reasoned **Yes**
Whether reportable **Yes/No**