



FAO-6560-2025(O&M)

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

(113)

**FAO-6560-2025(O&M)
Date of Decision-05.05.2026**

Amravati And Others

... Appellants

Versus

Maqsood And Others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Wazir Singh, Advocate
for appellants

Mr. Vinod Gupta, Advocate
for respondent No.3/Insurance Co.

VIRINDER AGGARWAL, J.(ORAL)

1. The present appeal has been preferred by the claimants seeking enhancement of the compensation awarded vide award dated 05.08.2025 passed by the learned Motor Accident Claims Tribunal, Karnal, on account of the death of Jaypal in a motor vehicular accident.

2. Notice of the present appeal was issued to the respondents. Mr. Vinod Gupta, Advocate, has put in appearance and accepted notice on behalf of respondent No.3-Insurance Company. With the consent of learned counsel appearing for the appellant and learned counsel representing respondent No. 3, and having regard to the nature of the controversy involved, the appeal is taken up for final disposal.

BACKGROUND FACTS

3. The brief facts of the case are that on the intervening night of 27/28.05.2023 at about 12:00 midnight, deceased Jaypal was driving a canter bearing registration No. HR-63-E-0968 after loading goods and was proceeding towards Delhi. When he reached near Taraori on the GT Road, a truck bearing



registration No. HR-46E-2194 was found parked in the middle of the road without any indicator or warning signal. The canter driven by the deceased struck against the said truck, as a result of which he sustained multiple grievous injuries and succumbed to the same at the spot. He was taken to CHC Taraori, where he was declared dead, and FIR No. 214 dated 28.05.2023 under Sections 279, 283 and 304-A IPC was registered at Police Station Taraori, District Karnal. Thereafter, the legal representatives of the deceased filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of his death. Upon appreciation of the evidence, the learned Motor Accident Claims Tribunal, Karnal, awarded a total compensation of ₹18,58,944/- along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till realization.

CONTENTIONS

4. Learned counsel for the appellants contended that the compensation awarded by the learned Tribunal is wholly inadequate and not in consonance with the settled principles governing determination of just compensation under the Motor Vehicles Act. It was argued that the learned Tribunal has erred in awarding amounts under the conventional heads without granting the requisite enhancement, as mandated by law, namely a 10% increase after every three years. It is, thus, submitted that the compensation awarded under these heads deserves to be suitably enhanced. On these grounds, prayer has been made for enhancement of the overall compensation.

5. Learned counsel for the respondent No.3 supported the award of the learned Tribunal, contended that the award had been passed after a proper and thorough appreciation of the evidence on record and therefore, did not warrant any interference by this Court.

**OBSERVATIONS AND FINDINGS**

6. I have heard learned counsel for the parties and perused the complete records. On due consideration of the findings recorded by the learned Tribunal, particularly on the issue of negligence and fastening of liability, I find no reason to take a different view. The findings on those aspects are accordingly affirmed. However, the core issue arising in the appeal pertains to the reassessment of the quantum of compensation.

7. Compensation awarded by the learned Tribunal warrants reassessment in light of the principles authoritatively laid down by the Hon'ble Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680*. In the said decision, a structured framework was evolved for determination of compensation under the conventional heads, namely loss of estate, funeral expenses, and loss of consortium. It was further held that the amounts prescribed under these heads shall be enhanced by 10% every three years, commencing from the base figures fixed in the year 2017. Applying the aforesaid principle, the base figures determined in 2017 stood enhanced by 10% in the year 2020, and thereafter by a further 10% in the year 2023. Since the accident in the present case occurred in the year 2023, the claimants are entitled to the benefit of the second enhancement, i.e. the amounts as revised up to the year 2023, reflecting a cumulative increase of 10% over the base figures fixed in 2020. Accordingly, the amounts awarded by the learned Tribunal under the conventional heads are liable to be recalculated in consonance with the aforesaid settled position of law. The reassessment of compensation under the heads of consortium and other conventional heads is, therefore, undertaken as under.



REASSESSED COMPUTATION

Particulars	Award by Tribunal (₹)	Reassessed Award (₹)
Loss Of Dependency	15,88,944	15,88,944/-
Spousal Consortium	2,40,000	48,400/-
Parental Consortium (5 Children)	x	2,42,000/- (48,400 x 5)
Funeral Expenses	15,000/-	18,150/-
Loss Of Estate	15,000/-	18,150/-
Total	18,58,944/-	₹19,15,644/-

8. In view of the above, the appeal is partly allowed. The impugned award dated 05.08.2025 is modified to the extent that the compensation payable to the appellant is enhanced from 18,58,944/- to ₹19,15,644/-. The enhanced amount shall carry interest at the rate of 7% per annum from the date of filing of the claim petition till realization. Except for the modification of the quantum of compensation, all other findings recorded by the learned Tribunal, including those with regard to negligence, liability and mode of disbursement, shall stand affirmed.

9. The appeal is accordingly partly **allowed** with modification of the award to the above extent. All other conditions of the award, not inconsistent with this judgment, shall remain unaltered.

10. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

05.05.2026
POONAM

(VIRINDER AGGARWAL)
JUDGE

(i) Whether speaking/reasoned : Yes/No
(ii) Whether reportable : Yes/No