



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

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FAO-6186-2014

Date of decision: 23.01.2025

ANITA & ORS

..Appellants

Versus

ROSHAN LAL & ORS

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Ms. Anjali, Advocate
for the appellants.

Mr. Puneet Jain, Advocate
for respondent No.3-Insurance company.

ANIL KSHETARPAL, J(Oral)

1. The only issue in this appeal is with respect to the appropriate amount of compensation payable to the claimants (widow, four minor children and aged parents) on account of death of late Sh. Rajinder Singh, aged 35 years, who died in a motor vehicular accident on 11.06.2011. After assessing the income of the deceased at the rate of Rs.5,000/- per month, the Motor Accident Claims Tribunal (in short 'Tribunal') deducted 1/10th towards personal expenses. Thus, Rs.4,500/- per month was assessed as dependency. On account of escalation in income due to future prospects, the income was increased by 50% and multiplier of 15 was applied. The Court granted Rs.1,00,000/- each for loss of consortium and loss of estate, whereas, Rs.25,000/- was granted towards funeral expenses.

2. This Bench has heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.



3. Learned counsel representing the appellant has made following submissions:-

- i. The multiplier should be 16 and not 15.
- ii. For loss of consortium, the claimants shall be entitled to Rs.40,000/- each.
- iii. No amount has been awarded towards loss of estate.

4. Per contra, learned counsel representing insurance company submits that Tribunal has erred in granting Rs.1,00,000/- for loss of love and affection particularly when loss of consortium has been granted. He further submits that for funeral expenses, only Rs.15,000/- could be granted, whereas, Rs.25,000/- has been granted. He further submits that the escalation on account of future prospects can only be upto 40% and not 50%. He further submits that deduction of 1/10th towards personal expenses is not sufficient.

5. Learned counsel for the appellant submits that there is no cross-appeal or cross-objections filed by the insurance company.

6. Order XLI Rule 33 of the Code of Civil Procedure, 1908, enables the Appellate Court to pass appropriate order upon reappraisal of evidence, hence, the Court is required to assess appropriate amount of compensation. The income of the deceased at the rate of Rs.5,000/- per month is maintained. Looking at the number of dependants, deduction of 1/5th from the income of the deceased towards personal expenses is ordered. Each of the claimants namely widow, four minor children and aged parents shall be entitled to loss of consortium at the rate of Rs.40,000/- each. For loss of estate and funeral expenses, they shall be entitled to Rs.15,000/- each. Looking at the age of the deceased (35 years), multiplier of 16 is applicable.



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7. At this stage, the amount of compensation comes to Rs.13,85,200/-. Learned counsel for the appellant prays for permission to withdraw the present appeal.

8. Ordered accordingly.

January 23rd, 2025

By

**(ANIL KSHETARPAL)
JUDGE**

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