



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

**FAO-5472-2009 (O&M)
Date of Decision: March 25, 2025**

Ram Rattan and others

...Appellants

VERSUS

Manoj Kumar and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Shilak Ram Hooda, Advocate
for the appellants.

Service of respondents No.1 and 2 dispensed with.

Mr.Vishal Sheoran, Advocate for
Mr.K.S.Raman, Advocate
for respondent No.3.

Mr.Pardeep Kumar, Advocate
for respondent No.4.

ARCHANA PURI, J.

The present appeal has been filed by the appellants-claimants, thereby, questioning the adequacy of the compensation awarded by learned Motor Accident Claims Tribunal, on account of death of Birmati, in a motor vehicular accident.

On appraisal of the evidence, brought on record, learned Tribunal had granted compensation to the extent of Rs.3,94,000/- and the liability of the respondents was held to be joint and several.

So far as, the factum of the accident, manner of taking place of



the same as well as the liability fastened upon the respondents is concerned, it is pertinent to mention that none of the respondents, upon whom the liability has been fastened, have filed any appeal. Hence, there is no necessity to further dwell on these aspects.

Be it noted that it is the claimants only, who have filed the present appeal for seeking enhancement of the compensation.

Learned counsel for the parties heard.

Suffice to consider that accident had taken place on 11.10.2005. It is pleaded case of the appellants-claimants that deceased Birmati was 34 years old and was employed as Sweeperess in Municipal Corporation, Delhi and was earning Rs.8000/- per month. To so substantiate the employment of deceased and extent of her earnings, appellant-claimant No.1-Ram Rattan stepped into witness box as PW-1. He categorically stated about the earnings of the deceased to be Rs.6080/- per month and he also produced on record salary certificate Ex.PB.

However, at this juncture, it is pertinent to mention that the aforesaid salary certificate Ex.PB, as such, very appropriately discarded by learned Tribunal. The said salary certificate had not been proved in accordance with law. No employee or agent of the Municipal Corporation, Delhi was examined to substantiate that Birmati was in fact employed as sweeperess on regular basis in the Corporation and that salary certificate Ex.PB, has been issued by the competent authority and the same contain true and correct information about her emoluments.

In the light of the same, the aforesaid certificate, as such, could not be taken into consideration. That being so, considering the age of the



deceased, learned Tribunal, as per prevalent minimum wages, had appropriately taken the daily wages of the deceased to the extent of Rs.100/- per day i.e. Rs.3000/- per month. While considering the number of dependents, learned Tribunal had appropriately made deduction to the extent of 1/3rd and took the loss of dependency as Rs.2000/- per month, annual whereof comes to be Rs.24,000/-.

Considering the age of the deceased, multiplier of '16' was applied and the compensation was worked upon as Rs.3,84,000/-. Besides the same, another amount of Rs.5000/- was granted to Ram Rattan, on the count of 'loss of consortium'. Furthermore, on the counts of 'last rites' and 'loss of estate', an amount of Rs.2500/- each was granted by learned Tribunal. Thus, the total compensation was worked upon as Rs.3,94,000/-. Out of the said amount, an amount of Rs.50,000/- was ordered to be disbursed to appellant-claimant No.1-Ram Rattan, whereas, the residue amount was ordered to be disbursed in equal shares to the minor children of the deceased, namely, Balram and Pooja.

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

As already observed aforesaid, the salary certificate Ex.PB has been discarded by learned Tribunal. Considering the same and also considering the prevalent minimum wages, at the relevant time, the earnings of the deceased have also been correctly assessed as Rs.3,000/- per month. Considering age of deceased to be 34 years, addition of 40%, ought to be made, on the count of 'future prospects', which comes to be Rs.1200/-. After making such addition, the earnings of the deceased, comes to be



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Rs.4200/- per month.

Considering the number of dependents, the deduction on the count of 'personal expenses' ought to be made to the extent of 1/3rd as done by learned Tribunal, which comes to be Rs.1400/- and the residue earnings comes to be Rs.2800/-, annual whereof is **Rs.33,600/-**. Considering the age of the deceased as observed aforesaid, the appropriate multiplier to be applied is '16', as applied by learned Tribunal. Thus, by applying the same, the loss of dependency comes to be **Rs.33,600x16=Rs.5,37,600/-**.

Besides the aforesaid, on the count of 'loss of consortium', all the appellants-claimants, are entitled to prevalent amount of Rs.48,400/- each i.e. $Rs.48400 \times 3 = Rs.1,45,200/-$ and they are also entitled to compensation, on the counts of 'loss of estate' as well as 'funeral expenses', which is **Rs.18,150/-**, on each count.

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

Loss of dependency	:	Rs.5,37,600/-
Loss of consortium	:	Rs.1,45,200/-
Loss of estate	:	Rs.18,150/-
Funeral expenses	:	Rs.18,150/-
Total	:	Rs.7,19,100/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.7,19,100-3,94,000=Rs.3,25,100/-**. On the enhanced amount of the compensation i.e. **Rs.3,25,100/-**, 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

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realization of the enhanced amount of compensation. Out of the enhanced amount, as now worked upon i.e. **Rs.3,25,100/-**, appellant-claimant No.1 is held entitled to Rs.2,25,100/-, whereas, appellants-claimants No.2 and 3 are held entitled to Rs.50,000/- each.

Accordingly, the impugned Award dated 15.04.2009 stands modified, to the extent, as indicated aforesaid. The residue terms of the Award, as ordered by learned Tribunal, shall remain the same.

With the above observations, the present appeal stands allowed.

The pending civil misc. applications, if any, shall stand disposed of.

March 25, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No