



**208-2 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

FAO- 2441-2003(O&M)

Date of decision: 19.09.2025

Smt. Laj and others

..Appellants

Versus

Abdulla Rafiq @ Yunis and others

..Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Paramveer Singh, Advocate for the appellants

Mr. Neeraj Khanna, Advocate for

Mr. Ravinder Arora, Advocate for respondent no.3

MANDEEP PANNU, J.

1. This is claimants' appeal against the award dated 12.01.2001 passed by the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as 'Tribunal') with a prayer to modify the amount of compensation. The Tribunal has awarded compensation of Rs.2,42,500/- on account of death of Sandeep in a vehicular accident, which took place on 09.03.1999. The claim petition has been filed on behalf of his parents, brother and sister. There is no dispute with regard to the correctness of the findings recorded by the Tribunal regarding death of deceased in the aforesaid vehicular accident due to rash and negligent driving by Driver of the offending truck bearing registration plate no. RJ-20-G-0085. Hence, the only issue is with regard to quantum of compensation.



2. Since the factum of the accident is not in dispute, therefore, for the sake of brevity, the facts, as recorded by the Tribunal, in the impugned award, are not being reproduced herein.

3. The compensation awarded by the Tribunal is tabulated as under:-

Sr. No.	Heads	Compensation awarded
1.	Monthly Income	3000/-
2.	Deduction for personal & Living expenses 1/3rd i.e 1000	1000/-
3.	Monthly Loss of dependency $3000-1000 = 2000$	2000/-
4.	Annual income $2000 \times 12 = 24000$	24000/-
5.	Multiplier 10 $10 \times 24000 = 2,40,000$	2,40,000/-
6.	Transportation charges	500/-
7.	Funeral expenses	2000/-
	Total	Rs. 2,42,500/-

4. Learned counsel for the claimants-appellants submits that the compensation awarded by the Tribunal is highly inadequate. The Tribunal has erred in assessing the income of the deceased, applying multiplier as well as awarding inadequate amount under head funeral expenses. Moreover, Tribunal has failed to grant any future prospects on account of escalation in income and amount under Head 'Loss of Consortium'. He places reliance upon law laid down by the Hon'ble Supreme Court in **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]** and **Magma General Insurance**



Company Limited vs. Nanu Ram alias Chuhru Ram & Ors.
[(2018) 18 SCC 130].

5. Per contra, learned counsel for respondent No. 3 - Insurance Company has vehemently argued that sufficient amount towards compensation has already been awarded by the Tribunal and there is no scope for enhancement.

6. This Court has considered the submissions made by the learned counsel for the parties.

7. First of all, let us assess income of deceased. The claimants claim that deceased was aged 21 years at the time of accident and was earning Rs.4500/-per month by working as mason. However, Tribunal has assessed his monthly income as Rs.3000/- per month. Hon'ble Supreme Court in **Chameli Devi and others vs. Jivrali Mian and others 2019 (5) RCR (Civil) 884** in a case where deceased was carpenter and died in a vehicular accident, which took place in year 2001, assessed his monthly income at rate of Rs.5000/- and held that in such cases where deceased is engaged in such type of profession, claimants can only lead oral evidence. Therefore, by applying ratio of this judgment, income of deceased in the present case is assessed as Rs.4500/- where accident took place in 1999. In view of observations of Supreme Court in **Pranay Sethi's case (supra)**, future prospects are assessed as 40% and claimants-appellants are also held entitled to Rs.18,000/- each towards loss of estate and funeral expenses as well as Rs.48,000/- each towards loss of consortium. Considering the age of deceased as 21 years,



multiplier will be 18 in view of **Sarla Verma vs. Delhi Transport Corporation and Another (2009) 6 SCC 121**. However, 1/3rd deduction on account of personal expenses is maintained. No doubt, deceased was bachelor and as per settled law, deduction on account of his personal expenses should be $\frac{1}{2}$, however, considering the present case, where father of deceased himself was dependent upon him due to his amputated leg and family consists of parents and two siblings, this Court is of the considered view that deduction at rate of 1/3rd is appropriate and the same is maintained. Amount of Rs.500/- awarded for transportation is also maintained.

8. Accordingly, the compensation is re-assessed as under :

Sr.No.	Heads	Compensation awarded
1.	Monthly Income	4500/-
2.	Deduction for personal & Living expenses 1/3rd i.e 1500/-	1500/-
3.	Monthly Loss of dependency 4500-1500 = 3000	3000/-
4.	Future prospects @ 40% 3000x40% = 1200/-	4200/- [3000+1200]
5.	Annual income 4200x12 = 50,400/-	50,400/-
6.	Multiplier 18 18 x 50400 = 9,07,200/-	9,07,200/-
7.	Transportation charges	500/-
8.	Funeral expenses	18000/-
9.	Loss of estate	18,000/-
10.	Loss of consortium @ Rs.48,000/- each 48000x 4= 1,92,000	1,92,000/-
	Total Compensation	Rs.11,35,700/-



9. So far as interest part is concerned, learned counsel for the appellants/claimants relies upon decision of the Supreme Court in **United India Insurance Co. Ltd vs. Satinder Kaur @ Satwinder Kaur & ors 2020 (3) RCR (Civil) 75**, where interest @ 12 % per annum was granted in peculiar facts and circumstances of the case where claimant no.1-widow of the deceased herself suffered permanent disability of 25% in the accident and has single handedly raised her three minor children while pursuing legal proceedings for 22 years. However, the facts of the present case are somewhat different as in the present case, the claimant has not suffered any disability. Therefore, the claimants-appellants in the present case shall be entitled to difference in amount of compensation alongwith interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realization. Rest of the award needs no modification.

10. Accordingly, the appeal stands partly allowed.

11. All the pending miscellaneous applications, if any, are also disposed of.

(MANDEEP PANNU)
JUDGE

19.09.2025

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No