



FAO-3622-2023(O&amp;M)

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

FAO-3622-2023(O&amp;M)

Date of decision:09.09.2025

Kelo Devi and others

..Appellants

Versus

Sandeep and others

..Respondents

**CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr. Abhishek Jindal, Advocate  
Mr. Mithun, Advocate for the appellants

Ms. Neha Dewan, Advocate for respondent No.1 and 2

Mr. Sanjeev Kodan, Advocate for respondent no.3

**MANDEEP PANNU, J.****CM-11940-CII-2023**

1. For the reasons stated in the application, delay of 75 days in filing the appeal is hereby condoned.
2. CM stands allowed.

**Main appeal**

3. This is claimants' appeal against the award dated 19.12.2022 passed by the Motor Accident Claims Tribunal, Jind (hereinafter referred to as 'Tribunal') with a prayer to modify the amount of compensation. The Tribunal has awarded compensation of Rs.23,94,800/- on account of death of Baljit Singh, in a vehicular accident, which took place on 16.10.2019. The claim petition has been filed on behalf of his parents and elder brother. There is no dispute



with regard to the correctness of the findings recorded by the Tribunal regarding death of Baljit Singh in the aforesaid vehicular accident as well as the fact that the deceased died due to rash and negligent driving by Sandeep - Driver of the Maruti Baleno Car, bearing registration plate no. HR-08X-5628. Hence, the only issue is with regard to quantum of compensation.

4. 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.

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

<b>Sr. No.</b>	<b>Heads</b>	<b>Compensation awarded</b>
1.	Monthly Income	16,000/-
2.	Annual income [16000 x 12 = 1,92,000]	1,92,000/-
3.	Deduction for personal & Living expenses (50%)	96,000/-
4.	Multiplier	17 96,000x17 =16,32,000/-
5.	Loss of estate	15,000/-
6.	Funeral expenses	15,000/-
7.	Future prospects @ 40% [40% of 1632000 = 6,52,800]	6,52,800/-
8.	Parental consortium @ Rs.40,000/- each	80,000/-
	<b>Total</b>	<b>Rs.23,94,800/-</b>

6. Learned counsel for the claimants-appellants submits that there is no dispute regarding grant of future prospects, deduction as



well as multiplier applied by the Tribunal, however, it has erred in assessing the income of deceased as he was doing two jobs; one as Consultant/Business Executive with Universal Sampo General Insurance Company Ltd through Mindpool Management Solution Pvt. Ltd and drawing a monthly salary of Rs.16,667/- and another job of an Insurance agent with Vishal Insurance and Finance Services, thereby earning Rs.10,000/- per month as commission. Furthermore, while relying 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]**, he submits that Tribunal has also failed to award appropriate amount under Head 'Loss of Consortium', 'funeral expenses' and 'loss of estate'.

7. 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.

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

9. Since no challenge has been laid down by the learned counsel for the appellants to the future prospects, deduction as well as multiplier as applied by the Tribunal, the same are accordingly maintained.



10. Now let us examine the income of deceased. Salary of Rs.16,667/- per month drawn by the deceased from Universal Sampo General Insurance Company Limited was duly proved before the Tribunal by examining an official of the said Company - Bhavya (PW4), who has produced on record deceased's appointment letter (Ex. P9/A) as well as salary slips (Ex.P11/A to Ex.P13/A), which duly proved his appointment in the said Company. Hence, the Tribunal has rightly agreed with the same. As far as income from second job i.e Insurance agent of Vishal Insurance and Finance Services is concerned, the claimants have failed to lead any cogent evidence to substantiate the fact that deceased was getting monthly commission of Rs.10,000/- from the said Company. No doubt, Vishal Kumar from the said Company was examined as PW1, however, in his cross examination, he has stated that he has not maintained any record of making payment of commission to the deceased and further submitted that at the time of accident, deceased was not his employee. Therefore, the Tribunal has rightly ignored the same and assessed the income of deceased as Rs.16,000/- per month.

11. However, learned counsel for the appellants/claimants has rightly relied upon the law laid down by the Hon'ble Supreme Court in **Pranay Sethi's case (supra)**, thereby entitling the claimants-appellants to Rs.18,000/- each towards loss of estate and funeral expenses as well as Rs.48,000/- each to both parents (appellant no.1 and no.2 only) towards loss of consortium. However, appellant no.3, being elder brother of deceased, as well as major and independent



person aged about 33 years, shall not be entitled to compensation under Head 'loss of consortium'.

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

Sr.No.	Heads	Compensation awarded
1.	Monthly Income	16,000/-
2.	Annual income [16000 x 12 = 1,92,000]	1,92,000/-
3.	Deduction for personal & Living expenses (50%)	96,000/-
4.	Future prospects @ 40% 96000x40%= 38,400	1,34,400 (96,000+38400)
5.	Multiplier	17 1,34,400x17 =22,84,800
6.	Loss of estate	18,000/-
7.	Funeral expenses	18,000/-
8.	Parental consortium @ Rs.48,000/- each	96,000/-
	<b>Total Compensation</b>	<b>Rs.24,16,800/-</b>

13. The claimants-appellants 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.

14. Accordingly, the appeal stands partly allowed.

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

**(MANDEEP PANNU)**  
**JUDGE**

**09.09.2025**

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No