



FAO-609-1995 (O&M)

Sr.No.107

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

**FAO No.609 of 1995 (O&M)
Decided on : 06.05.2025**

Kulwant Singh and others

....Appellants

Versus

M/s Good Luck Transport Co. and others

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present:- Mr. Ashok Sharma Nabhewala, Advocate and
Ms. Gauri Sharma, Advocate
for the appellants.

Mr. Deepak Jindal, Advocate
for respondent No.3-Insurance Company.

PANKAJ JAIN, J. (ORAL)

Claimants are in appeal seeking enhancement of compensation.

The claimants/appellants seek compensation on account of death of Joginder Kaur who lost life in a motor vehicle accident at the age of 41 years. At the time of death, she was working as a Teacher and was getting monthly salary of Rs.2828/- as per Ex.P8.

2. Finding on issue of negligence are against the respondents and in favour of claimants. The Tribunal assessed the compensation observing as under:-



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9. Ex-P8 is copy of salary certificate showing the last pay of Joginder Kaur, when she died on 27.7.90. The total pay was Rs.2828/-per month. The date of birth of Joginder Kaur as mentioned in the petition was 2.10.1949. The death had taken place on 27.7.90. As such Joginder Kaur was 41 years of age at the time of her death. She was spending about Rs.400/500/-per month for going for duty. A family pension of Rs.900/- per month is being received by the claimants. She must be spending something on herself also. Under these circumstances, the dependency of the claimants is taken at Rs.1200/-per month. Joginder Kaur being 41 years of age, it will be proper to apply a multiplier of 11. The compensation as such will come to Rs.1,58,400/- (say Rs.1,60,000/-).

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3. The compensation is reflected as under:-

Kulwant Singh – husband	-	Rs.30,000/-
Sharanjit Kaur – daughter	-	Rs.50,000/-
Manpreet Singh son, who is now major	-	Rs.30,000/-
Sarabjit Singh, who is minor son-		Rs.50,000/-

4. The monthly salary of the deceased Joginder Kaur is taken as Rs.2828/-. Consequently, the future prospects of 30% are ordered to be added in terms of ratio of law laid down in the case of **National Insurance Co. Ltd. vs. Pranay Sethi, (2017) 16 SCC 680**. Deduction of 1/4th needs to be applied. Multiplier of 13 needs to be applied in terms of **Sarla Verma**



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and others vs. Delhi Transport Corporation and another, (2009) 6 SCC 121. Under conventional heads, each of the claimants is entitled for Rs.40,000/- on account of loss of consortium. Claimants are awarded Rs.15,000/- for loss of estate. Rs.15,000/- is payable towards funeral expenses.

5. The award passed by the Tribunal is modified accordingly. Appeal stands disposed off. The appellants/claimants are entitled to interest on the compensation amount @ 7% per annum, from the date of filing of the claim petition till the date of actual realization.

6. Needless to say, the compensation amount already paid to the claimants shall be set off from the total awarded compensation.

7. Pending application(s), if any, shall also stand disposed off.

**(PANKAJ JAIN)
JUDGE**

May 06, 2025

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Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No