



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

**FAO-1455-2008 (O&M)**

**Date of decision : 12.09.2025**

Smt. Anshu Kataria & ors.

..... Appellants

Versus

Rakesh Kumar & ors.

..... Respondents

**CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN**

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Present :- Mr. Brijender Kaushik, Advocate  
for the appellants.

Mr. Pardeep Goyal, Advocate  
for respondent No.3.

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**PANKAJ JAIN, J. (ORAL)**

1 The claimants are in appeal seeking enhancement of the compensation awarded by Motor Accident Claims Tribunal, Ambala vide award dated 05.12.2007.

2 Claimants preferred petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation on account of death of Harvinder Kumar Kataria, who died in a motor vehicular accident dated 12.05.2006 at the age of 52 years, owing to rash and negligent driving of respondent No.1 Rakesh Kumar.

3 Counsel for the appellants submits that the monthly salary of the deceased was proved to be Rs.15,000/- yet the Tribunal wrongly assessed the same to be Rs.1,00,000/- per annum. Further reliance is being placed upon ratio of law laid down by the Supreme Court in the case of



*National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009 and Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., 2018(4) RCR (Civil) 333* for grant of future prospects and for enhancement of compensation awarded under conventional heads. Reliance is also placed upon the ratio of law laid down in *Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298*, to submit that since there are four dependents, compensation ought to have been assessed by imposing deduction of 1/4<sup>th</sup> and not 1/3<sup>rd</sup>.

4 I have heard learned counsel for the appellant and have carefully gone through records of the case.

5 Regarding income of the deceased PW1, Parveen Kumar, employee of Raja Fats and Feeds at Rajpur, wherein the deceased is claimed to be a partner, admitted in his cross-examination that Harvinder Kumar Kataria the deceased joined services in the company in October 2003 and was getting salary of Rs.5,000/- per month. PW3, Nishant, Accountant from Raja Fats and Feeds appeared and proved Ex.PL purported to be a print of ledger showing that the deceased was getting salary of Rs.15,000/- per month in cash. A random payment of Rs.3,000/- towards income tax has been shown for the financial year 2006-2007. Relying upon the factum of deduction of income tax, Tribunal assessed the income of the deceased as Rs.1,00,000/- per annum.

6 There is evidence on record that prior to joining M/s Raja Fats and Feeds, the deceased was working with Hindustan Lever and was getting salary of Rs.11,000/- per month. This Court finds that it is safe to rely



upon amount of Rs.11,000/- per month i.e. the salary being earned by the deceased from his erstwhile employer, as there is conflicting evidence regarding the salary earned from his current employer. Accordingly, the income of the deceased is taken to be Rs.11,000/- per month.

7 Keeping in view the age of the deceased and the ratio of law laid down in *Pranay Sethi's case supra*, 15% future prospects need to be added. Deduction of 1/4<sup>th</sup> needs to be applied keeping in view four dependents. Multiplier of 11 has been rightly applied. Claimants are entitled for Rs. 18,000/- for loss of estate. Rs.18,000/- for funeral expenses. Each of them is entitled for a further amount of Rs.48,000/- for spousal, filial and parental consortium.

8 The claimants are held entitled to interest @ 7.5% per annum from the date of filing of the claim petition till the date of actual realization as awarded by the Tribunal. Needless to say, anything already paid shall be set off and adjusted.

9 With the aforesaid modifications in the award, the appeal is disposed off.

12.09.2025  
Pooja Sharma-I

( PANKAJ JAIN )  
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No