

FAO-154-1994(O&M)

2025:PHHC:105973



153 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-154-1994 (O&M)
Date of decision : 22.07.2025

Arvinder Pal Kaur & anr. Appellants

Versus

Joga Singh & ors. Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Deepak Thapar, Advocate
for the appellants.

Mr. Ishaan Kaushal, AAG, Punjab
for respondents No.2 & 3.

PANKAJ JAIN, J. (ORAL)

1 Appellants seek enhancement of compensation.

2 Appellants filed claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the Act') seeking compensation on account of death of Harbhajan Singh in a motor vehicular accident dated 11.01.1992. As per the admitted facts on record, deceased Harbhajan Singh was working as Field Assistant in MARKFED. As per his salary certificate, his gross salary has been shown to be Rs.3,107/- per month.

3 As per the claimants deceased died at the age of 35 years whereas, as per postmortem his age was 47 years at the time of death. Keeping in view the margin of error, age of the deceased is taken to be 45 years. Salary certificate Ex.A1 shows his gross monthly salary as Rs.3,107/-. Nothing has been awarded on account of future prospects.



Keeping in view ratio of law laid down by Supreme Court in the case of *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*, 25% is added towards future prospects to the salary of the deceased.

4 Keeping in view the number of claimants, 1/4th deduction is ordered to be applied. Keeping in view ratio of law laid down in *Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298*, and age of the deceased, multiplier of 14 has been rightly applied by the Tribunal. Nothing has been awarded for loss of consortium. Each of the claimants is awarded an amount of Rs.40,000/- for loss of consortium. Rs.15,000/- is awarded for funeral expenses. Rs.15,000/- is awarded for loss of estate. The enhanced amount shall be apportioned amongst the claimants as per para 16 of the award passed by the Tribunal.

5 The enhanced amount shall also carry interest @7% per annum from the date of filing of the petition till the date of actual realization.

6 With the aforesaid modification, the appeal is disposed off.

22.07.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No