

231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:123935



FAO-3213-2019 (O&M)
DATE OF DECISION : 09.09.2025

JWALA SINGH AND ANOTHER ... APPELLANTS
V/S
MOHIT SAINI AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rohit, Advocate for
Mr. Kunal Dawar, Advocate for the appellants.
Mr. Paras Jain, Advocate for respondent Nos.1 &2.
Mr. Punit Jain, Advocate for
respondent No.3-Insurance Company.

* * *

PARMOD GOYAL, J. (ORAL)

Claimants-appellants are aggrieved by the impugned award dated 18.01.2019 passed by the learned Motor Accidents Claims Tribunal, Faridabad (hereinafter referred as 'Tribunal') vide which the claim petition preferred by the claimants was allowed and they were held entitled to total compensation of Rs.14,30,800/- along with 7.5% interest per annum from the date of filing of the petition till realisation, on account of death of Prakash in accident dated 15.12.2017 due to rash and negligent driving of respondent no.1 while driving the offending car bearing registration No.HR-51BC-1888.

2. Learned Tribunal had found the loss of dependency to be Rs.13,60,800/-. The learned Tribunal has further granted Rs.15,000/- towards funeral expenses, Rs.15,000/- towards loss of estate, Rs.40,000/- towards filial consortium. Learned Tribunal while calculating loss of

dependency had taken notional income of the deceased equivalent to minimum wages payable to unskilled worker as Rs.9,000/- p.m. Appellants-claimants had claimed that deceased Parkash was running business of wholesale fruits and vegetables and was earning Rs.20,000/- p.m. However, except for oral assertions made by the claimants no independent corroboration or evidence to prove pleaded vocation and income of deceased has been placed on record. The oral assertions cannot be taken as gospel truth to conclude that deceased was earning Rs.20,000/- p.m. In absence of any independent corroboration in the shape of any document as bank account statement, licence or any other material to show that deceased was actually running business of wholesale fruits and vegetables and was earning Rs.20,000/- p.m. No fault with the approach of learned Tribunal in fixing income of deceased on the basis of minimum wages can be found.

3. It is also not in dispute that deceased was aged 20 years and therefore, learned Tribunal has taken 40% towards future prospects and applied multiplier of 18. Deduction of 50% towards personal expenses was made as deceased was bachelor and survived by his parents and total amount calculated as loss of dependency was Rs.13,60,800/-. No fault with the approach of learned Tribunal in determining loss of dependency can be found.

4. However, I find that learned Tribunal has awarded consortium only to claimant No.2 and no amount of consortium has been awarded in favour of claimant No.1. I find that claimant No.1 is also entitled to filial consortium to the extent of Rs.40,000/-. Rs.40,000/- is accordingly, awarded in addition to the compensation awarded by learned Tribunal. Accordingly,

appellant-claimant shall be entitled to total compensation of Rs.14,70,800/- instead of Rs.14,30,800/-.

5. Learned counsel for the appellant has also argued that appellant is entitled to compensation towards funeral expenses, loss of estate and consortium @ Rs.44,000/-. However, deceased had died in he year 2017. The Hon'ble Supreme Court of India in *National Insurance Company Ltd vs. Pranay Sethi and others, Spl Leave Petition (2017) 16 SCC 680*, had held that compensation of Rs.15,000/- towards funeral expenses, Rs.15,000/- towards loss of estate and Rs.40,000/- towards consortium is just compensation and has ordered revising the same every three years to the extent of 10%.

6. Since the accident had taken place in 2017 and therefore, appellants are entitled to compensation at base amount of Rs.15,000/-, Rs.15,000/- and Rs.40,000/- towards funeral expenses, loss of estate and consortium respectively. Accordingly, the appellants are entitled to enhanced compensation of Rs.40,000/- over and above the compensation of Rs.14,30,800/- awarded by the learned Tribunal as under:-

Income of deceased	Rs. 9,000/- per month (minimum wages for unskilled worker)	Rs. 9,000/- per month x 12 = Rs.1,08,000/-
Addition towards future prospects	40%	Rs.9,000/-+Rs.3,600/- = Rs.12,600/-
Deduction on account of personal expenses of deceased	1/2	Rs.6,300/-
Selection of multiplier	18	18
Loss of dependency	Rs.6,300/-x12x18	Rs.13,60,800/-

Funeral expenses	Rs.15,000/-	Rs.15,000/-
Loss of estate	Rs.15,000/-	Rs.15,000/-
Loss of consortium	Rs.40,000/-	Rs.80,000/-
Parental consortium	Rs.40,000/-	
Total Compensation awarded to claimants in appeal		Rs.14,70,800/-
Compensation awarded by Tribunal		Rs.14,30,800/-
Enhanced amount of compensation		Rs.40,000/- (Rs. 14,70,800/-- Awarded in appeal) – Rs.14,30,800/- (Awarded by Tribunal)

7. Let the same be paid by respondent No.3-Insurance Company to the claimants-appellants along with interest @ 7.5% p.a. from the date of filing of the claim petition till its realisation. The enhanced amount be paid directly in the account of the claimants by the respondent No.3-Insurance Company.

8. Appeal is, accordingly, partly allowed in above terms. Pending miscellaneous application(s), if any, shall also stand disposed of.

09.09.2025

Janki

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No