

FAO-1271-2016 (O&M)

2025-PHHC:135919



240 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-1271-2016 (O&M)

Date of decision : 17.09.2025

Sewapati & ors.

..... Appellants

Versus

Nazim & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Ms. Neha Rana, Advocate for
Mr. R.N.Lohan, Advocate
for the appellant.

Mr. Lalit Garg, Advocate
for respondent No.3-Ins. Co.

PANKAJ JAIN, J. (ORAL)

1 Claimants seek enhancement of compensation. Reliance is being placed upon 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, Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298* and *Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., Civil Appeal No.9581 of 2018 arising out of SLP (Civil) No.3192 of 2018 decided on 18.09.2018.*

2 The present claim petition was filed under Section 166 of Motor Vehicles Act, 1988 seeking compensation on account of death of Mangal, who died in a motor vehicular accident dated 12.06.2013 at the age of 28 years. The income of the deceased has been rightly assessed by the



Tribunal as Rs.7,000/- per month in the absence of any cogent evidence to prove that he was earning Rs.20,000/- per month as claimed. 1/4th deduction has been rightly applied. Nothing has been awarded on account of future prospects. 40% of future prospects need to be added. Multiplier of 17 has been rightly applied. Only Bindia-appellant No.2 has been awarded a sum of Rs.1.00 lakh for loss of consortium. The said amount is ordered to be deducted. Each of the claimants is held entitled for a sum of Rs.48,000/- for loss of consortium. Rs.18,000/- is awarded for loss of estate. Rs.18,000/- is awarded on account of funeral expenses.

3 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. Needless to say, anything already paid shall be set off and adjusted.

4 With the aforesaid modification in the impugned award, the appeal is disposed off.

17.09.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No