

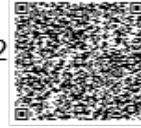


2026:PHHC:048222

FAO-439-2023

1

2026:PHHC:048222



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

Sr. No.131

FAO-439-2023

Date of Decision: 27.03.2026

RAJBIR AND OTHERS

....Appellants

Versus

RAJ KUMAR AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Divyam Singh, Advocate
for the appellants.

Service of respondents No.1 and 2 dispensed with
vide order dated 07.05.2024.

Mr. Meenal Garg, Advocate for Mr. Ankur Gupta, Advocate
for respondent No.3-Insurance Company.

ARCHANA PURI, J. (Oral)

The present appeal has been filed by the appellants/claimants for seeking enhancement of compensation, awarded by learned Motor Accident Claims Tribunal, on account of death of Sunil Kumar, in a motor vehicular accident.

At this stage, counsel for respondent No.3-Insurance Company has given a statement that he has no objection, if the compensation awarded is recomputed, while taking the earnings of the deceased as Rs.10,000/- per month. Even, counsel for the appellant submits he is ready for said extent of



earnings, to be taken for further calculation of compensation, in accord with the prevalent law.

Considering the submission aforesaid, at the very outset, it is pertinent to mention that the claim petition, at first instance, was filed by the parents, brother and sister of the deceased, Sunil Kumar. However, during the pendency of the claim petition, the mother of the deceased had died and his father, as well as brother and sister, were impleaded as legal representatives of deceased-Bharpal i.e. mother of the deceased-Sunil Kumar.

Furthermore, even though, the deceased was alleged to be running a barber shop and earning Rs.30,000/- per month, but however, the earnings of the deceased, on the basis of the paucity of evidence, were taken as Rs.10,000/- per month. The deceased was aged 23 years, at the relevant time and he was unmarried. Considering his age, addition of 40% i.e. Rs.4,000/-, on the count of 'future prospects' was made and thus, his monthly earnings were taken as Rs.14,000/- (10,000 + 4,000). Further, on the count of 'personal expenses' the same was scaled down to 50% i.e. Rs.7,000/-, the annual whereof comes to Rs.84,000/- (7,000 x 12). Considering the age of the deceased, '18' was the multiplier applied and the 'loss of dependency' was worked upon as Rs.15,12,000/- (84,000 x 18).

Besides the aforesaid, under the conventional heads, Rs.15,000/- each i.e. Rs.30,000/-, was awarded to the appellants/claimants, on the count of 'funeral expenses', as well as 'loss of estate'. As such, the total compensation was worked upon as Rs.15,42,000/-.



In view of the aforesaid, the claimants i.e. father, brother and sister of the deceased-Sunil Kumar, in their own capacity, as well as being the legal representatives of deceased-Bharpal, mother of deceased-Sunil Kumar, were held entitled to the compensation aforesaid.

However, the compensation worked upon aforesaid, do call for enhancement, as per the prevalent law.

So far as, the assessment of earnings of the deceased is concerned, the same has been appropriately assessed and taken as Rs.10,000/- per month. As such, the earnings of the deceased are taken as Rs.10,000/- per month, which offer is given by the counsel for the Insurance Company and has also been readily accepted by the counsel for the appellants.

However, on the count of 'loss of consortium', the father, brother and sister of the deceased, are entitled to an additional compensation, which at present, is payable to the extent of Rs.48,400/- per dependent. As such, they are entitled to an amount of Rs.1,45,200/- (48,400 x 3).

In view of the aforesaid, apart from the amount already awarded by learned Tribunal, while taking the earnings of the deceased as Rs.10,000/- per month, appellants No.1 to 3 i.e. father, brother and sister of the deceased-Sunil Kumar, in their own capacity, as well as being the legal representatives of deceased-Bharpal i.e. appellant No.2, mother of deceased-Sunil Kumar, are entitled to an amount of Rs.1,45,200/-. The said amount shall be apportioned equally, amongst appellants No.1, 3 and 4. The enhanced amount shall be payable by the Insurance Company, within a period of 45 days from today onwards. On the enhanced amount, the appellants shall be



2026:PHHC:048222

2026:PHHC:048222



4

FAO-439-2023

held liable to the interest @ 6% per annum, from the date of filing of the appeal. In the eventuality of any default on the part of the Insurance Company, to make the payment in the given period, it shall be liable to pay penal interest @ 8% per annum, till realization.

In view of the aforesaid terms, the FAO stands allowed.

27.03.2026
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No