



FAO-5060-2022(O&amp;M)

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

FAO-5060-2022(O&amp;M)

Date of decision:29.08.2025

Babli and others

..Appellants

Versus

Yogesh Saini and others

..Respondents

**CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: Mr. A.K. Yadav, Advocate for the appellants

Mr. Dinesh Kumar Prajapati, Advocate  
for respondent no.3-Insurance Company**MANDEEP PANNU, J.**

1. This is claimants' appeal against the award dated 02.08.2022 passed by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as 'Tribunal') with a prayer to modify the amount of compensation. The Tribunal has awarded compensation of Rs.9,47,784/- on account of death of Amit, in a vehicular accident, which took place on 16.05.2018. The claim petition has been filed on behalf of his parents and minor brothers. There is no dispute with regard to the correctness of the findings recorded by the Tribunal regarding death of Amit in the aforesaid vehicular accident as well as the fact that the deceased died due to rash and negligent driving by Yogesh Saini - Driver of the Car, bearing registration plate no. HR-



36Y-0023. Hence, the only issue is with regard to quantum of compensation.

2. Since the factum of the accident is not in dispute, therefore, for the sake of brevity, the facts, as recorded by the Tribunal, in the impugned award, are not being reproduced herein.

3. The compensation awarded by the Tribunal is tabulated as under:-

Sr. No.	Heads	Compensation awarded
1.	Monthly Income	8498/-
2.	Annual income [8498 x 12 = 101976]	1,01,976/-
3.	Deduction for personal & Living expenses (50%)	50,988 [101976/2 = 50988]
4.	Multiplier	18 50988 x 18 = 9,17,784/-
5.	Loss of estate	15,000/-
6.	Funeral expenses	15,000/-
	Total	Rs.9,47,784/-

4. Learned counsel for the claimants-appellants submits that he does not challenge findings of the Tribunal with regard to income of the deceased, deduction as well as multiplier applied. However, while relying upon law laid down by the Hon’ble Supreme Court in **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]** and **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]**, he submits that Tribunal has failed to grant escalation in the income of



the deceased on account of future prospects as well as amount under Head 'Loss of Consortium' whereas the amounts awarded by the Tribunal under the heads 'funeral expenses' and 'loss of estate' are not adequate.

5. Per contra, learned counsel for respondent No.3- Insurance Company has vehemently argued that sufficient amount towards compensation has already been awarded by the Tribunal and there is no scope for enhancement.

6. This Court has considered the submissions made by the learned counsel for the parties.

7. Since no challenge has been laid down by the learned counsel for the appellants to the income assessed, deduction as well as multiplier as applied by the Tribunal, the same are accordingly maintained.

8. However, in view of law laid down by the Hon'ble Supreme Court in **Pranay Sethi's case (supra)**, escalation in the income of the deceased ought to be granted on account of future prospects at 40%. Accordingly, the same is granted. Furthermore, the claimants-appellants would be entitled to Rs.18,000/- each towards loss of estate and funeral expenses as well as Rs.48,000/- each towards loss of consortium, in view of the law laid down by the Hon'ble Supreme Court in the cases of **Pranay Sethi's case (supra)** and **Magma General Insurance Company Limited's case (supra)**.

9. Accordingly, the compensation is re-assessed as under :



Sr.No.	Heads	Compensation awarded
1.	Monthly income	8498/-
2.	Future prospects @ 40%	3398 [8498+3398 =11,896]
3.	Annual income [11,896 x 12 = 1,42,752]	1,42,752/-
4.	Deduction for personal & Living expenses (50%)	71,376/- [142752/2 = 71376]
5.	Multiplier	18 71376 x 18 = 12,84,768/-
5.	Loss of estate	18,000/-
6.	Funeral expenses	18,000/-
7.	Lost of consortium (i) Parental (ii) Two brothers	1,92,000 [48000x4 =1,92,000]
	<b>Total Compensation</b>	<b>15,12,768/-</b>

10.           The claimants-appellants shall be entitled to difference in amount of compensation alongwith interest at the rate of 7% per annum from the date of filing of the claim petition till its realization.
11.           Accordingly, the appeal stands partly allowed.
12.           All the pending miscellaneous applications, if any, are also disposed of.

29.08.2025

rekha

Whether speaking/reasoned

Whether reportable

Yes/No

Yes/No

(MANDEEP PANNU)  
JUDGE