

**IN THE HIGH COURT OF HIMACHAL PRADESH  
SHIMLA  
FAO No.4108 of 2013  
Reserved on:- 25.04.2026  
Date of Decision: 20.05.2026**

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Oriental Insurance Company Ltd. ...Appellant

Versus

Radha Krishan & Ors. .....Respondents

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*Coram:*

***The Hon'ble Mr. Justice Virender Singh, Judge.***

***Whether approved for reporting? Yes.***

For the Appellants : Mr. Ashwani K. Sharma, Senior Advocate, with Ms. Mamta, Advocate.

For the Respondents : Ms. Rajni Gandhi, Advocate, vice Mr. Anil Kumar God, Advocate, for respondents No.1 to 3.

Name of respondent No.4 stands deleted.

Mr. Manohar Lal Sharma, Advocate, for respondents No.5 and 6.

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**Virender Singh, Judge**

Oriental Insurance Company Limited has filed the present appeal, under Section 173 of the Motor Vehicles Act, 1998 (hereinafter referred to as the 'M.V. Act'), against the award dated 16.03.2013, passed by learned Motor Accident Claims Tribunal, Bilaspur, District Bilaspur, H.P., (hereinafter referred to as the 'learned Tribunal'), in MAC No.9 of 2011, titled as Radha Krishan and others versus Puspa Gautam & others.

2. By way of award dated 16.03.2013, the learned Tribunal has decided the above mentioned claim petition, by awarding a sum of Rs.24,55,585/- along with interest @ 7.5% per annum from the date of filing of petition, till deposit of the amount and the ultimate liability to pay the amount has been fastened upon the appellant-Oriental Insurance Company.

3. For the sake of convenience, parties to the present appeal, are hereinafter referred to, in the same manner, in which, they were referred to, by the learned Tribunal.

4. Brief facts, leading to filing of the present appeal, before this Court, may be summed up, as under:-

4.1. The claimants, being sons, widow and widowed mother of Som Nath, have filed the claim petition, under Section 166 of the M.V. Act., seeking compensation, on account of death of Som Nath, in a motor vehicle accident, involving Vehicle No.HP-12A-0984, (hereinafter referred as to 'the offending vehicle') owned by respondent No.1, being driven by respondent No.2 and insured with respondent No.3.

4.2. As per the claim petition, their predecessor-in-interest, Som Nath was a government servant and was about 55 years of age at the time of accident, which had taken place on 09.01.2011, at about 11:20 AM, at Darlaghat. The accident in

question had taken place, due to rash and negligent driving of the driver of the offending vehicle i.e. respondent No.2. The information regarding accident was given to police of Police Station, Darlaghat, where, FIR No.5 of 2011 was registered. In the said accident, Som Nath sustained injuries and he was taken to private hospital, from where, he was referred to IGMC Shimla, from where, he was further referred to P.G.I. Chandigarh, where, he died on 10.01.2011.

4.3. According to the claimants, Som Nath was working in Himachal Pradesh Department of Treasuries, Accounts and Lotteries and earning Rs.39,000/- per month. This amount has been bifurcated, by pleading that he was getting Rs.28,892/- as gross salary, plus Rs.10,000/- from agriculture pursuits.

4.4. Highlighting their bright past and bleak future, the claimants have sought the compensation of Rs.30,00,000/- along with interest @ 18% per annum from the respondents.

5. When put to notice, the claim petition has been contested by the respondents. Respondent No.1 has filed her reply to the claim petition, which has been adopted by respondent No.2, as per order dated 07.03.2012 passed by the learned Tribunal. Respondent No.1 has contested the claim

petition, by taking preliminary objections; that the claim petition is bad for non-joinder or mis-joinder of necessary parties, as the driver and owner of Bhola Bus Service has not been arrayed, as party. Contents of the claim petition have mainly been denied, by pleading that the accident in question had not taken place on account of rash and negligent driving of the driver.

6. Highlighting their stand, it has been pleaded that the offending vehicle was being driven, on the extreme left side of the road and at a controllable and cautious speed; when, the said vehicle reached at place Darlaghat, then, one person suddenly alighted-down from Bhola Bus Service and tried to cross the road without seeing in any direction. Driver of the offending vehicle applied the brakes and stopped the vehicle, however, the said person got puzzled and lost his balance and fell down on the road. Hence, a prayer has been made to dismiss the claim petition.

7. Oriental Insurance Company has separately filed its reply, by taking preliminary objections that the claim petition is not maintainable; the claim petition is vague; the offending vehicle was being driven, by unauthorized person, who was not holding any valid and effective license to drive the said vehicle; the petition is bad for non-joinder of necessary parties; the

deceased himself was negligent. On merits, the contents of the claim petition were denied for want of knowledge. Thus, a prayer for the dismissal of the claim petition has been made.

8. From the pleadings of the parties, following issues were framed by the learned Tribunal, vide order dated 24.04.2012:

*1). Whether the deceased Som Nath died in a motor accident which took place on 09.01.2011, near village Darlaghat, District Solan, H.P. due to rash and negligent driving of vehicle i.e. Tata Sumo No.HP-12A-0984 by respondent No.2, as alleged ?...OPP.*

*2). If issue No.1 is proved in affirmative, to what amount of compensation, the petitioners are entitled to and from which of the respondents as alleged ?...OPP.*

*3). Whether the respondent No.2 was not holding a valid and effective driving licence to drive the offending vehicle at the relevant time, as alleged ?...OPR-3.*

*4). Whether the offending vehicle was not being plied without valid documents, as alleged ? ...OPR-3.*

*5). Whether the petition is bad for non-joinder and mis-joinder of necessary parties ? OPR-3.*

*6). Relief.*

9. Thereafter, parties to the lis were directed to adduce evidence. After closure of the evidence, the learned Tribunal, upon hearing learned counsel for the parties, has allowed the claim petition, as referred to above.

10. Feeling aggrieved from the said award, the Oriental Insurance Company has preferred the present appeal. Perusal of the grounds of appeal shows that the quantum of compensation has been assailed, by way of present appeal, filed by the Oriental Insurance Company. The awarded amount has been prayed to be reduced, on the ground that at the time of his death, Som Nath was 56.5 years and being a government servant, he would have been superannuated, after one and half year, had the accident not taken place. Thereafter, his income would have slashed to 50%, as such, a prayer has been made to reduce the amount of compensation, by applying the principle of split multiplier, by considering his income, under two heads; one during his service and second after his retirement.

11. According to the appellant, the learned Tribunal has wrongly deducted 1/4th of the amount, on account of personal expenses of deceased and the same should have been 1/3rd, since only the wife and mother of the deceased were dependent upon him.

12. On the basis of the above facts, Mr. Ashwani K. Sharma, Senior Advocate, assisted by Ms. Mamta, Advocate, appearing for the appellant has prayed that the amount of compensation may kindly be reduced accordingly.

13. The prayer, so made has been opposed by Ms. Rajni Gandhi, Advocate, appearing vice Mr. Anil Kumar God, Advocate for respondent No.1 to 3, on the ground that the appeal sans merit and the same may kindly be dismissed.

14. It is apt to record herein that the claim petition has initially been filed by the sons, widow and widowed mother of Som Nath. During the pendency of the appeal, mother of Som Nath has expired and as such, her name was ordered to be deleted, vide order dated 18.07.2024.

15. In this case, Oriental Insurance Company has preferred the appeal for reducing the amount of award, however, in order to achieve the legislative intent to provide just compensation, the evidence, so adduced, by the parties is to be considered, by this Court to arrive at a conclusion as to whether the amount of compensation awarded falls within the definition of 'just compensation' or not.

16. This view has been reiterated in a recent decision of Hon'ble Supreme Court in **Sushila and others versus Sudhakar and another (2026) Live Law Supreme Court Cases 343** reiterated that the legislative intent with regard to the endeavour of the Court/Tribunal to award the just

compensation. Relevant paragraphs-19 and 20 are reproduced as under:-

*“19) In our considered opinion, although the High Court had enhanced the compensation, it was on the lower side. The cardinal principle of awarding compensation in the cases of motor accidents is to provide a “just compensation” to the victim and/or the distressed dependents of the deceased. The term “just” implies that the compensation must be fair, reasonable, and equitable as per the applicable legal standards. The compensation should not be too meagre, nor should it be excessive. The sole foundation of providing monetary compensation is to make efforts to put the dependents of the deceased at the same financial position that they were in, had the accident not occurred. [See also: **Reshma Kumari and others vs. Madan Mohan and another**, reported in (2013) 9 SCC 65; **National Insurance Co. Ltd. vs. Indira Srivastava & Ors**, reported in (2008) 2 SCC 763; and **Divisional Controller, KSRTC vs. Mahadeva Shetty and another**, reported in (2003) 7 SCC 197]*

*20) Thus in the light of the settled principle that the **Motor Vehicles Act, 1988**(hereinafter referred to as “**M.V. Act**”) is a beneficial legislation and the compensation should be just and equitable, let us deal with the issues for determination in the present appeal.”*

17. As stated above, the Oriental Insurance Company has not assailed the award, on the ground of liability, but, the same has only been assailed, on the ground of quantum.

18. As per evidence, so adduced, by the claimants, before the learned Tribunal, Som Nath was working as Senior Assistant, in the office of Directorate of Land Records and the salary of Som Nath for the month of December, 2010, was Rs.28,892/-. He has further deposed that on account of annual

increment, his salary would have been Rs.30,934/- per month, in the month of January, 2011. He has proved the Last Pay Certificate of Som Nath Ex.PW2/A. According to the said document, the monthly salary of Som Nath was Rs.30,934/-.

19. Now, the question, which arises for determination before this Court is with regard to the fact, as to whether, the arguments advanced by the leaned counsel appearing for the appellant, qua the fact that the claimants No.1 and 2, does not fall within the definition of dependents, as such, they are not entitled for the compensation in this case; are sustainable in the eyes of law or not.

20. The said arguments are devoid of merit as a specific stand has been taken by the claimants, in this case, that all the petitioners were fully dependent on the earnings of Som Nath. The said factual position, as asserted in para-24 of the claim petition, has not been denied specifically by the respondents, including the present appellant (Insurance Company).

21. When, the wife of Som Nath appeared in the witness box as PW-3, she has categorically deposed that both her sons are unemployed. When, a feeble attempt has been made by learned counsel appearing for the Insurance Company

to suggest this witness about the fact that her both sons are residing separately, she has denied the said suggestion. Merely because she has admitted that both the sons are married, does not give any occasion for this Court to draw an inference that both the claimants were not dependent on the earnings of Som Nath. The statement of PW-3, qua the fact that both her sons are unemployed, remained uncontroverted.

22 If the said fact is considered in the light of the decision of Hon'ble Supreme Court in **Laxmibai (dead) through Lrs. and another versus Bhagwantbuva (dead) through LRs and others, (2013)4 SCC 97**, then the stand taken by PW-3, qua the fact that both her sons were unemployed, has rightly been relied upon by the learned Tribunal. Relevant paragraph 40 of the judgment is reproduced as under:-

*“xx xx xx 40. Furthermore, there cannot be any dispute with respect to the settled legal proposition, that if a party wishes to raise any doubt as regards the correctness of the statement of a witness, the said witness must be given an opportunity to explain his statement by drawing his attention to that part of it, 11 which has been objected to by the other party, as being untrue. Without this, it is not possible to impeach his credibility. Such a law has been advanced in view of the statutory provisions enshrined in Section 138 of the Evidence Act, 1872, which enable the opposite party to cross-examine a witness as regards information tendered in evidence by him during his initial examination in chief, and the scope of this provision stands enlarged by Section 146 of the Evidence Act, which permits a witness to be questioned, inter-alia, in order to test his veracity. Thereafter, the unchallenged part of his evidence is to be relied upon, for the reason that it is impossible*

*for the witness to explain or elaborate upon any doubts as regards the same, in the absence of questions put to him with respect to the circumstances which indicate that the version of events provided by him, is not fit to be believed, and the witness himself, is unworthy of credit. Thus, if a party intends to impeach a witness, he must provide adequate opportunity to the witness in the witness box, to give a full and proper explanation. The same is essential to ensure fair play and fairness in dealing with witnesses. (See Khem Chand v. State of HP., State of U.P. v. Nahar Singh, Rajinder Pershad v. Darshana Devi and Sunil Kumar v. State of Rajasthan. xx xx xx”*

23. The Oriental Insurance Company, in the present case, has also assailed the award on the ground, that Som Nath, at the time of his death, was about 56.5 years, he was in government service and he would have attained age of superannuation after a period of one and half years, had he not met with fatal accident, as such, his income would be slashed down to 50%.

24. All these facts have been submitted by the learned Senior Counsel during the course of the arguments with a view to apply the split multiplier. The said contention is also not liable to be accepted in view of the decision of Hon'ble Supreme Court in Sushila's case *supra*, in which, this aspect has elaborately been considered and it has been held that the annual income of the deceased would be calculated on the basis of monthly last drawn salary. The relevant paragraphs 22 and 23 of the Judgment is reproduced, as under:-

22) In the case at hand before us, both the Tribunal as well as the High Court had made a deduction of 50% from the salary of the deceased on account the fact that only 6 months of service of the deceased was remaining. In our considered opinion, the Courts below have erred in coming to such an unreasonable conclusion. In the light of the authorities cited above, it is clear that any deduction which is not related to the accident, is impermissible in law. Additionally, as per settled law in the case of Sarla Verma's case (supra), the multiplicand is always determined on the basis of the "annual" income of the deceased so as to ensure uniformity and consistency in the calculation of motor accident claim cases. The fact that the deceased had only six months of service left does not cast any aspersion on the fact that had the accident not occurred, the deceased would have been in service and earn commensurate to the last drawn income before the death. Therefore, the annual income of the deceased would be calculated on the basis of his monthly last drawn salary.

23) Thus, while deciding Issue No. 1, we are of the opinion that no deduction ought to have been made from the salary of the deceased on account of duration of service left. The Tribunal rightly assessed the net salary of the deceased to be ₹25,415/- per month and the same would be considered for the computation of loss of income.

(self emphasis supplied)

25. In this case, it has also been argued by the learned Senior counsel appearing for the Insurance Company that while assessing the annual income of Som Nath during his lifetime, in order to ascertain the amount of compensation, the allowances, such as, house rent and other allowance, which, according to the learned Senior Counsel, are personal in nature, are liable to be deducted.

26. The said arguments do not hold water, in view of the decision of Hon'ble Supreme Court, in **Meenakshi versus Oriental Insurance Company Limited, 2024 ACJ 1647**, wherein, it has been held that house rent allowance, provident fund loan, provident fund and special allowances ought to be added, while considering the basic salary of the victim to arrive at the dependency factor. Relevant paragraphs-8 to 10 of the judgment, are reproduced, as under:-

*“8. In [Raghuvir Singh Matolya and Others v. Hari Singh Malviya 2009 ACJ 1580 \(SC\)](#), this Court held that the house rent allowance ought to be included for determining the income of the deceased. The relevant paras are extracted hereinbelow for ready reference:-*

*“(7). Dearness allowance, in our opinion, should form a part of the income. House rent allowance is paid for the benefit of the family members and not for the employee alone. What would constitute an income, albeit in a different fact situation, came up for consideration before this Court in [National Insurance Co. Ltd. v. Indira Srivastava](#)[(2008) ACJ 614 (SC)]wherein it was held:*

*“(17). The amounts, therefore, which were required to be paid to the deceased by his employer by way of perks, should be included for computation of his monthly income as that would have been added to his monthly income by way of contribution to the family as contra-distinguished to the ones which were for his benefit. We may, however, hasten to add that from the said amount of income, the statutory amount of tax payable thereupon must be deducted.*

*(18). The term ‘income’ in [P. Ramanatha Aiyar's Advanced Law Lexicon \(3rd Edn.\)](#) has been defined as under:*

*‘The value of any benefit or perquisite whether convertible into money or not, obtained from a company either by a director or a person who has substantial interest in the company, and any sum paid by such company in respect of any obligation, which*

but for such payment would have been payable by the director or other person aforesaid, occurring or arising to a person within the State from any profession, trade or calling other than agriculture.”

’It has also been stated:

“Income’ signifies ‘what comes in’ (per Selborne, C., Jones v. Ogle 42 LJ Ch 336 ‘It is as large a word as can be used’ to denote a person's receipts (per Jessel, M.R., Huggins, 51 LJ Ch 938). Income is not confined to receipts from business only and means periodical receipts from one's work, lands, investments, etc. AIR 1921 Mad 427 (SB), Ref. 124 IC 511:1930 MWN 29:31 MLW 438 AIR 1930 Mad 626:58 MLJ 337.”

(19). If the dictionary meaning of the word ‘income’ is taken to its logical conclusion, it should include those benefits, either in terms of money or otherwise, which are taken into consideration for the purpose of payment of income tax or professional tax although some elements thereof may or may not be taxable or would have been otherwise taxable but for the exemption conferred thereupon under the statute.

To the same effect is the decision of this Court in [Oriental Insurance Company Limited v. Ram Prasad Varma](#) 2009 ACJ 1006 (SC).

8. We, therefore, are of the opinion that ‘dearness allowance’ and ‘house rent allowance’ payable to the deceased should have been included for determining the income of the deceased and consequently the amount of compensation.”

9. Recently in a judgment in [National Insurance Company Ltd. v. Nalini](#), 2024 ACJ 1637 (SC), this Court held that, allowances under the heads of transport allowance, house rent allowance, provident fund loan, provident fund and special allowance ought to be added while considering the basic salary of the victim/deceased to arrive at the dependency factor.

10. Therefore, components of house rent allowance, flexible benefit plan and company contribution to provident fund have to be included in the salary of the deceased while applying the component of rise in income by future prospects to determine the dependency factor. The Accident Claims Tribunal was

*justified in factoring these components into the salary of the deceased, before applying 50% rise by future prospects due to future prospects, while calculating the total compensation payable to the appellant.*

(self emphasis supplied)

27. In view of the above, now this Court would proceed further to determine the fact, whether the just compensation has been awarded to the claimants or not. The age of Som Nath at the time his death has been proved to be 56.5 years. Thus, the learned Tribunal has rightly applied the multiplier of '9'.

28. Learned Tribunal has taken the salary of Som Nath, during his life time as Rs.30,934/- as deposed by PW-2 Kundan Sharma, Senior Assistant, Director of Land Records Shimla. As per the document Ex.PW-1/A, total salary of Som Nath has been shown as 30,934/-, but the said salary is for the period of 01.12.2010 to 10.01.2011. The accident in question has taken place on 09.01.2011. Meaning thereby the said document Ex.PW-1/A does not depict the true picture, as the salary of the deceased is to be considered at the time of his death and according to the deposition PW-2, after the annual increase in the salary, the same would be Rs.30,934/- from the month of January, 2011. Certainly, the salary for the month of January, 2011 would be payable in the month of February,

2011, whereas, Som Nath has expired on 10.01.2011. In such situation, the document i.e. salary slip for the month of December, 2010 as produced by the claimants on 22.03.2011 along with the other documents can be taken into consideration. The document produced by a party even if, not exhibited, can be taken into consideration, to the disadvantage of the party, which has produced the same. As such, the salary of Som Nath is proved to be Rs.28,892/- per month.

29. Hon'ble Supreme Court in case **National Insurance Company Limited versus Pranay Sethi and others, reported in (2017), 16 Supreme Court Case 680** has mandated that some addition is required to be given on account of future prospectus for all the category of persons and for different ages with permanent job, self employed or fixed salary. Relevant paragraphs 52, 59.3, 59.4, 59.5, 59.7, 59.8 are reproduced as under:-

*“52. As far as the conventional heads are concerned, we find it difficult to agree with the view expressed in Rajesh. It has granted Rs. 25,000/- towards funeral expenses, Rs. 1,00,000/- loss of consortium and Rs. 1,00,000/- towards loss of care and guidance for minor children. The head relating to loss of care and minor children does not exist. Though Rajesh refers to Santosh Devi, it does not seem to follow the same. The conventional and traditional heads, needless to say, cannot be determined on percentage basis because that would not be an acceptable criterion. Unlike determination of income, the said heads have to be quantified. Any quantification must have a reasonable foundation. There can be no dispute over the fact that*

price index, fall in bank interest, escalation of rates in many a field have to be noticed. The court cannot remain oblivious to the same. There has been a thumb rule in this aspect. Otherwise, there will be extreme difficulty in determination of the same and unless the thumb rule is applied, there will be immense variation lacking any kind of consistency as a consequence of which, the orders passed by the tribunals and courts are likely to be unguided. Therefore, we think it seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs. 15,000/-, Rs. 40,000/- and Rs. 15,000/- respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads.

59.3. While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax.

59.4. In case the deceased was self-employed or on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.

59.5. For determination of the multiplicand, the deduction for personal and living expenses, the tribunals and the courts shall be guided by paragraphs 30 to 32 of Sarla Verma which we have reproduced hereinbefore.

59.7. The age of the deceased should be the basis for applying the multiplier.

59.8 Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs. 15,000/-, Rs. 40,000/- and Rs. 15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years.”

30. In view of the above considering the age of Som Nath, at the time of his death which has been proved as 56.5, 15% amount is liable to be added in the income on account of future prospectus. The monthly gross salary of Som Nath is held to be Rs.28,892/- per month, adding 15% on account of future prospects, his salary for the purpose of ascertaining the income of Som Nath thus, comes to Rs.33,226/-, or to say Rs.3,98,712/- per annum.

31. In order to ascertain the established income, tax component is liable to be deducted, out of the said amount, in terms of tax rates, as applicable, in the financial year 2010-11. On deducting Rs.1,60,000/-, on account of exempted annual income, the amount comes to Rs.2,38,712/-. After deducting tax @ 10% with education cess @ 3%, total tax component, thus, comes to Rs.24,587/-. Thus, after deducting tax component, the total annual income of Som Nath comes to Rs.3,98,712-Rs.24,587/-=Rs.3,74,125/-.

32. Keeping in view the number of dependents, 1/3rd of the income is liable to be deducted, towards personal expenses, had Som Nath, been alive and his contribution towards his family comes to Rs.2,49,417/- per annum.

33. Considering the fact that the age of the deceased has been proved to be 56.5 and in view of law laid down by Hon'ble Supreme Court in **Sarla Verma versus Delhi Transport Corporation and Another, (2009) 6 Supreme Court Cases 121**, the learned Tribunal has rightly applied the multiplier of '9' in the present case, which does not require any interference.

34. The leaned Tribunal has awarded a sum of Rs.10,000/- under the head 'loss of consortium', Rs.10,000/- under the head 'funeral charges' and Rs.5,000/- under the head 'loss of estate'. The same is liable to be enhanced in view of the decision of the Hon'ble Supreme Court in **Pranay Sethi's** case (supra). Relevant paragraphs 59.8 of the judgment is reproduced, as under:-

*59.8. Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs. 15,000/-, Rs. 40,000/- and Rs.15,000/-, respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years."*

35. Thus, the loss of contribution comes to Rs.2,49,417x9=Rs.22,44,753/-.

36. In view of the decision of Hon'ble Supreme Court in **Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, (2018) 18 SCC 130**, all the

claimants are held entitled for the amount under the head loss of consortium.

37. In addition to this, claimants are also entitled for the enhanced amount of compensation under conventional head i.e. loss of estate, loss of consortium and funeral expenses.

The entitlement of the claimants, thus, ascertain as under:-

1.Loss of contribution=Rs.22,44,753/-

2.Loss of estate = Rs.19,500/-(Rs.15,000/-+Rs.4500-)

3.Funeral expenses = Rs.19,500/-(Rs.15,000/-+Rs.4500/-)

4.Loss of consortium= Rs.1,56,000/- (Rs.52,000 x 3)

Total= Rs.24,39,753-(Rs.22,44,753/-+

Rs.19,500/-+Rs.19,500/- +Rs.1,56,000/-)

38. The compensation under the head 'loss of consortium' is given only to claimants No.1 to 3, as the 4<sup>th</sup> claimant Makori Devi has expired, and her name has been ordered to be deleted, vide order dated 18.07.2024.

39. Thus, the claimants are held entitled for a sum of Rs.24,39,753/-. The rate of interest, which has been awarded by the learned Tribunal does not require any interference.

40. In view of the above, the amount of compensation is ordered to be reduced from 24,55,585/- to Rs.24,39,753/-

41. Consequently, the present appeal is allowed. The awarded amount is reduced, in the above terms. The claimants are held entitled for the amount of Rs.24,39,753/-along with interest @ 7.5%, from the date of filing of the petition. In view of the death of claimant No.4, Makori Devi, now, the amount of compensation is ordered to be apportioned against claimants No.1 to 3, as under:-

Claimants No.1 & 2 (sons) = 20% each.

Claimant No.3 (widow) = 60%

42. The award passed by the learned Tribunal is modified in the above terms.

43. Memo of costs be prepared.

44. Pending application(s), if any, are also disposed of. Record be sent back.

**(Virender Singh)**  
**Judge**

**May 20, 2026**  
(subhash)