



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

261

FAO-2706-2002 (O&M)

Date of decision:06.07.2026

SMT. SUKHWANT KAUR AND OTHERS

...APPELLANTS

VERSUS

KULWANT AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ashit Malik, Advocate
for appellants.

Mr. Pradeep Goyal, Advocate
for respondent No.2-Insurance Company.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the appellants-claimants who are wife and two minor sons of Paramjit Singh (hereinafter referred to as the '**deceased**'), who died in motor vehicular accident which took place on 28.11.1999, on account of rash and negligent driving by respondent No.1 while driving truck bearing registration No. UP-12C-3453, being aggrieved by the insufficient compensation of Rs.4,42,000/- awarded vide impugned award dated 08.02.2002, passed by the Motor Accident Claims Tribunal, Panipat (hereinafter referred to as '**Tribunal**'), being not in accordance with their entitlement.

2. Since in present appeal the only issue raised by appellants-claimants is as regards to quantum of compensation, the detailed facts as regards to manner of accident are not being noticed herein for the sake of brevity.

3. In present case, learned Tribunal has awarded the following

compensation:

Income	Rs.3,000/- per month
Deduction	1/3 rd
Multiplier	18
Loss of dependency	Rs.4,32,000/-
Funeral expenses	Rs.10,000/-
Total compensation awarded	Rs.4,42,000 /-

4. Appellants-claimants had claimed that deceased was earning Rs. 70,000/- per month by working as an agriculturalist and also having business of dairy and poultry farm. It is also claimed that the deceased had taken 21 and seven acres of agricultural land on lease. In order to prove income of deceased PW-3 wife of deceased was examined. It has been stated by PW-3 that the deceased was doing agricultural work and was running poultry and dairy farm. However, PW-2 except for making oral assertions that deceased was working as an agriculturist and earning Rs.70,000/- as income had not brought any documentary evidence to show income and vocation of deceased. From evidence of appellants-claimants, only conclusion which could be drawn is that deceased was an agriculturalist and running a poultry and dairy farm by vocation. No evidence was led to show that deceased was owner of land or had taken it on lease. In absence of any evidence supporting oral claim that deceased was earning Rs.70,000/- per month income of deceased is taken as Rs.5,000/- per month.

5. Learned Counsel for the appellants-claimants has asserted that no addition has been made towards future prospects which ought to be added to the extent of 25% in terms of judgment of Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi and Ors., 2017 (16)**

SCC 680 and deduction of 1/3rd is required to be made towards personal expenses of deceased as deceased is survived by wife and two minor children. Appropriate amount of compensation needs to be granted under the head funeral expenses, loss of estate and loss of parental consortium in accordance with law laid down by Hon'ble Supreme Court.

6. In the present case income of the deceased is taken as Rs.5,000/- per month taking deceased to be an agriculturalist. Since the deceased was aged about 42 years accordingly multiplier of '14' would be applicable while determining loss of dependency. Keeping in view age of the deceased, 25% towards future prospects ought to be added to the income of the deceased in view of judgment of Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi & Ors. (supra)**. Since the deceased is survived by three dependents i.e wife and two minor children, 1/3rd deductions towards personal expenses needs to be made. Appellant-claimant No.1 shall also be entitled to compensation for loss of spousal consortium @ Rs.15,000/- and appellants-claimants No.2 and 3 shall be entitled to compensation for loss of parental consortium @ Rs.15,000/- each. Appellants-claimants shall also be entitled to Rs.7,500/- towards funeral expenses and Rs.7,500/- towards loss of estate. It is however made clear that in case Hon'ble Supreme Court answer the reference regarding quantum of compensation under conventional head made in **Hasina Yasmin & Ors. Vs. National Insurance Co. Ltd.**, 2025 SCC Online SC 2919 in favour of appellants, appellants shall be free to seek said amount by moving appropriate application in this regard.

7. Accordingly, reworked compensation is as under :-

Income	Rs. 5,000/- per month	Rs.5,000/- per month
Future Prospects	25% (5000+1250)	Rs.6,250/-
Deduction	1/3 rd (6250-2083)	Rs.4,167/-
Multiplier	14	14
Total loss of dependency	Rs.4,167x12x14	Rs.7,00,056/-
Loss of Estate		Rs. 7,500/-
Funeral Expenses		Rs. 7,500/-
Loss of spousal consortium to claimant No.1		Rs.15,000/-
Loss of parental consortium to claimant Nos. 2 & 3	Rs.15,000x2	Rs.30,000/-
Total compensation awarded in appeal		Rs.7,60,056/-
Total compensation awarded by the Tribunal	Rs.4,42,000 /-	
Enhanced amount of compensation	Rs.7,60,056/- (awarded in appeal) – Rs.4,42,000/- (awarded by the Tribunal)	Rs.3,18,056/-

8. Appellants-claimants shall be entitled to enhanced compensation along with 7.5% interest from the date of filing of claim petition till realization of entire amount. Apportionment and liability to pay

compensation shall be as per award.

- 9. Present appeal is allowed in above terms.
- 10. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

06.07.2026
Sunil Chander

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No