

2026:PHHC:123520



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

**FAO-2386-2002 (O&M)
FAO-2387-2002 (O&M)
Reserved on : 13.08.2026
Pronounced on : 02.09.2026**

1.

FAO-2386-2002

SMT. BALA

...APPELLANT
- VERSUS

NARENDER SINGH AND OTHERS

...RESPONDENTS
2.

FAO-2387-2002

GUDDI AND OTHERS

...APPELLANTS
- VERSUS

NARENDER SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. N.K. Malhotra, Advocate
For the appellant(s).

Mr. D.P. Singh, Advocate
for the respondent No.3-Insurance Company.

PARMOD GOYAL, J.

Present appeals have been filed by the appellants-claimants being aggrieved by award dated 20.11.2001 passed by learned Motor Accidents Claims Tribunal, Bhiwani (hereinafter referred to as ‘Tribunal’) for enhancement of compensation. Since the present appeals have arisen from common impugned award passed by learned Tribunal vide which two claim petitions preferred on account of motor vehicular accident dated 31.05.1999 caused by rash and negligent driving of respondent-driver while

driving car bearing registration No.DL-2CD-0976 were allowed, granting compensation to claimants in both the petitions and since dispute involved in both the appeals is identical, hence, they are being decided by way of this common judgment. Gist of appeals being decided is as under:-

Sr. No.	Case title before the MACT	MACT Case No./Appeal No.	Claim pertains to/claim by	Compensation awarded by the Tribunal
1.	Bala and others Vs. Narinder Singh and others	MACT No. 114 of 2001/FAO No.2386 of 2002	Compensation for death of Om Pal/by wife, children (3)	Rs.2,54,300/-
2.	Guddi and others Vs. Narinder Singh and others	MACT No. 115 of 2001/FAO No.2387 of 2002	Compensation for death of Jai Bhagwan / by wife, children (3) and parents	Rs. 4,17,500/-

2. Since in present appeal only issue raised by appellants-claimants is as regards to quantum of compensation and no appeal or cross-objections challenging finding of negligence on the part of respondent-driver while driving offending vehicle has been preferred by any of respondents, therefore, detailed facts regarding manner of accident are not being noticed for sake of brevity.

FAO No.2386 of 2002 titled as “Bala and Others Vs. Narinder Singh and Others”

3. The claimants, i.e. wife, children (three) of deceased- Om Pal (hereinafter referred to as ‘the deceased’), filed the claim petition seeking compensation on the ground that they were fully dependent for their livelihood on deceased who was earning ₹4,000/- per month while working

as a cleaner/conductor on the truck HR-38C-3664 of Chetak Transport company and due to his untimely death claimants have suffered huge financial loss.

4. The learned Tribunal assessed the income of the deceased at ₹1,800/- per month and had awarded following compensation accordingly:-

Income of deceased	Rs.1,800/- per month
Deduction	1/3 rd
Multiplier	17
Loss of dependency	Rs.2,44,800/- (Rs.1,200x12x17)
Funeral expenses	Rs.2,000/-
Loss of estate	Rs.2,500/-
Loss of consortium	Rs.5,000/-
Total compensation awarded	Rs.2,54,300/-

5. The appellants-claimants have challenged the award passed by the learned Tribunal on the following grounds:

- The learned Tribunal erred in assessing the income of the deceased as **₹1,800/- per month.**
- The learned Tribunal further erred in not adding future prospects and in not applying the appropriate multiplier. The deduction towards personal and living expenses was excessive.
- The claimants are also entitled to appropriate compensation under the conventional heads i.e. funeral expenses, loss of estate and loss of consortium.

6. It is the case of appellants/claimants that deceased was 32 years old at the time of accident and was earning Rs.5,000/- per month by working as a cleaner/conductor on the truck No. HR-38C/3664 with Chetak Transport

Company. He was getting Rs. 4,000/- as salary and earning Rs. 1,000/- on account of daily allowance. In order to prove income of deceased, appellants/claimants have placed reliance upon evidence of Rajender Prasad PW-4 cashier of the firm Chetak Transport Company, Delhi.

7. PW-4 Rajender Prasad who was working as a cashier with Chetak Transport Company, Delhi, deposed that the deceased was working as a conductor/cleaner and was earning a salary of Rs.3,500/- per month.

8. However, learned Tribunal had concluded that appellants/claimants have failed to prove pleaded income and vocation and has taken income of deceased to be Rs.1,800/- per month. Learned counsel for appellants/claimants has argued that learned Tribunal has erred in rejecting the evidence of PW4. It is asserted that from the evidence of PW4 income of the deceased stands proved.

9. Evidence of PW-4 has gone un rebutted and unchallenged. The amount of Rs. 3,500/- per month could be easily earned by conductor/cleaner even in year 1999 when accident took place. Income proved by PW-4 is not excessive, therefore, learned Tribunal has erred in rejecting the same. Accordingly, income of the deceased is assessed as Rs.3,500/- per month.

10. In view of judgments of Hon'ble Supreme Court in **Sarla Verma Vs. Delhi Transport Corporation**, 2009 (6) SCC 121 and **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.**, 2017 (16) SCC 680, since the deceased was 32 years of age, therefore, 40% towards future prospects and multiplier of '16' needs to be taken for determining loss of dependency. Since deceased is survived by four dependents i.e. wife and

three children deduction of 1/4th needs to be made towards personal expenses.

11. Loss of dependency has to be determined by taking monthly income of deceased as Rs.3,500/- by applying multiplier of ‘16’ and 40% future prospects. 1/4th deduction towards personal expenses is to be made to calculate loss of dependency.

12. Appellant/claimant No.1 shall be entitled to compensation of Rs.40,000/- for loss of spousal consortium, appellant/claimant Nos. 2, 3 & 4 shall be entitled to compensation of Rs.40,000/- each for loss of parental consortium. Appellants/claimants are also entitled to Rs.15,000/- for loss of estate and Rs.15,000/- for funeral expenses. It is, however, made clear that in case Hon’ble Supreme Court answers 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.

13. Accordingly, reworked compensation is as under :-

Income	Rs.3,500/- per month	Rs.3,500/- per month
Future Prospects	40% (Rs.3,500 + 1400)	Rs.4,900/-
Deduction	1/4th (Rs.4,900 – 1225)	Rs.3,675/-
Multiplier	16	16
Total loss of dependency	Rs.3,675 x 16 x 12	Rs.7,05,600/-
Loss of Estate		Rs. 15,000/-
Funeral Expenses		Rs.15,000/-
Loss of spousal consortium to claimant No.1		Rs.40,000
Loss of parental	Rs.40,000/- x 3	Rs.1,20,000/-

consortium to claimant no. 2, 3 & 4		
Total Compensation awarded in appeal		Rs.8,95,600/-
Total Compensation awarded by the Tribunal	Rs.2,54,300/-	
Enhanced amount of compensation	Rs.8,95,600/- (awarded in appeal) – Rs.2,54,300/- (awarded by the Tribunal)	Rs.6,41,300/-

FAO No.2387 of 2002 titled as “Guddi and Others Vs. Narinder Singh and Others”

14. The claimants, i.e. wife, children (three) and parents of deceased- Jai Bhagwan (hereinafter referred to as ‘the deceased’), had filed the claim petition seeking compensation on the ground they were fully dependent for their livelihood on deceased who was earning ₹5,000/- per month while working as a driver with Chetak Transport company and due to his untimely death claimants have suffered huge financial loss.

15. The learned Tribunal assessed the income of the deceased at ₹3,000/- per month and had awarded compensation accordingly:-

Income of deceased	Rs.3,000/- per month
Deduction	1/3 rd
Multiplier	17
Loss of dependency	Rs.4,08,000/- (Rs.2,000x12x17)
Funeral expenses	Rs.2,000/-
Loss of estate	Rs.2,500/-
Loss of consortium	Rs.5,000/-
Total compensation awarded	Rs.4,17,500/-

16. The appellants-claimants have challenged the award passed by the learned Tribunal on the following grounds:

- The learned Tribunal erred in assessing the income of the

deceased as **₹3,000/- per month.**

- The learned Tribunal further erred in not adding future prospects and in not applying the appropriate multiplier. The deduction towards personal and living expenses was excessive.
- The claimants are also entitled to appropriate compensation under the conventional heads i.e. funeral expenses, loss of estate and loss of consortium.

17. It is the case of appellants/claimants that deceased was 32 years old at the time of accident and was earning Rs.5,000/- per month by working as a driver of truck No. HR-38C/3664 with Chetak Transport Company. PW-4 Rajender Prasad who was working as cashier with Chetak Transport Company, Delhi, deposed that the deceased was working as a driver and was earning a salary of Rs.5,000/- per month. Driving licence of deceased was produced as mark P-9.

18. However, learned Tribunal had concluded that appellants/claimants have failed to prove pleaded income and vocation and has taken income of deceased to be Rs.3,000/- per month. Learned counsel for appellants/claimants has argued that learned Tribunal has erred in rejecting the evidence of PW4. It is asserted that from the evidence of PW4 income of the deceased stands proved.

19. Evidence of PW-4 has gone un rebutted and unchallenged. The amount of Rs. 5,000/- could be easily earned by working as a driver even in year 1999 when accident took place. Income proved by PW-4 is not excessive, therefore, learned Tribunal has erred in rejecting the same. Accordingly, income of the deceased is assessed as Rs.5,000/- per month.

20. In view of judgments of Hon'ble Supreme Court in **Sarla Verma Vs. Delhi Transport Corporation**, 2009 (6) SCC 121 and **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.**, 2017 (16) SCC 680, since the deceased was 32 years of age, therefore, 40% towards future prospects and multiplier of 16 needs to be taken for determining loss of dependency. Since deceased is survived by five dependents i.e. wife, two children and parents deduction of 1/4th needs to be made towards personal expenses.

21. Loss of dependency has to be determined by taking monthly income of deceased as Rs.5,000/- by applying multiplier of '16' and 40% future prospects. 1/4th deduction towards personal expenses is to be made to calculate loss of dependency.

22. Appellant/claimant No.1 shall be entitled to compensation of Rs.40,000/- for loss of spousal consortium, appellant/claimant No.2 & 3 shall be entitled to compensation of Rs.40,000/- each for loss of parental consortium and appellants/claimants No.4 and 5 shall be entitled to compensation of Rs.40,000/- each for loss of filial consortium. Appellants/claimants are also entitled to Rs.15,000/- for loss of estate and Rs.15,000/- for funeral expenses. It is, however, made clear that in case Hon'ble Supreme Court answers 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.

23. Accordingly, reworked compensation is as under :-

Income	Rs.5,000/- per month	Rs.5,000/- per month
Future Prospects	40% (Rs.5,000 + 2,000)	Rs.7,000/-
Deduction	1/4th (Rs.7,000 – 1,750)	Rs.5,250/-
Multiplier	16	16
Total loss of dependency	Rs.5,250 x 16 x 12	Rs.10,08,000/-
Loss of Estate		Rs. 15,000/-
Funeral Expenses		Rs.15,000/-
Loss of spousal consortium to claimant No.1		Rs.40,000
Loss of parental consortium to claimant no. 2, 3 & 4	Rs.40,000/- x 3	Rs.1,20,000/-
Loss of filial consortium to claimant Nos.5 & 6	Rs.40,000 x 2	Rs.80,000/-
Total Compensation awarded in appeal		Rs.12,78,000/-
Total Compensation awarded by the Tribunal	Rs.4,17,500/-	
Enhanced amount of compensation	Rs.12,78,000/- (awarded in appeal) – Rs.4,17,500/- (awarded by the Tribunal)	Rs.8,60,500/-

24. Appellants/claimants shall be entitled to enhanced compensation awarded in appeal along with 7.5% interest from the date of filing of claim petition till realization (except under the conventional heads i.e. loss of consortium, funeral expenses, loss of estate). Under conventional heads interest shall be payable from August 2017 onwards till realization. Apportionment and liability to pay compensation shall be as per award.

25. Appeals are accordingly allowed. Pending application(s), if any, is/are disposed of accordingly.

02.09.2026
Chiranjeev/Manoj

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes
Whether Reportable : Yes/No