



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

224

**FAO-1161-2001 (O&M)**  
**Decided on : 28.07.2026**

NAVEEN KUMAR

...APPELLANT

VERSUS

HARPAL SINGH AND OTHERS

...RESPONDENTS

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Ishan Thakur, Advocate for  
Mr. L.S. Sidhu, Advocate  
for appellant.

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**PARMOD GOYAL, J. (ORAL)**

Present appeal has been preferred by appellant-claimant-husband (claim petition was filed by husband, mother-in-law, mother and father of deceased, however appeal was filed by husband by impleading other claimants as proforma respondents) seeking enhancement of compensation awarded vide award dated 07.11.2000 passed by learned Motor Accident Claims Tribunal, Patiala (hereinafter referred to as '**Tribunal**'), whereby claimants were awarded total compensation of Rs.3,84,000/- on account of death of Asha Rani (hereinafter referred to as '**deceased**') in motor vehicular accident dated 09.04.1997 allegedly caused due to rash and negligent driving of respondent-driver while driving tractor-trolley bearing registration No.PB-12-B-2747 (hereinafter referred to as '**offending vehicle**').

2. Since in present appeal the only issue raised by appellant-claimant is as regards to quantum of compensation and no appeal or cross-objection challenging finding of negligence has been preferred by any of the

respondents, therefore, the detailed facts as regards to manner of accident accident are not being noticed herein for the sake of brevity.

3. In the present case, learned Tribunal had awarded the following compensation to appellant-claimants:

|                    |                                |
|--------------------|--------------------------------|
| Income             | Rs.3,700/-<br>per month        |
| Deduction          | Rs.1700/-                      |
| Multiplier         | 16                             |
| Loss of dependency | Rs.3,84,000/-<br>(2,000X12X16) |
| Total compensation | Rs.3,84,000/-                  |

4. Appellant-claimant has sought enhancement in compensation on following grounds that:-

- Learned Tribunal has erred in not assessing the income of the deceased as pleaded and proved by the claimants.
- Learned Tribunal has failed to apply the correct multiplier of ‘18’, despite the fact that the deceased was 22 years of age at the time of the accident.
- The deduction of Rs.1,700/- towards the personal and living expenses of the deceased is excessive and contrary to the settled principles of law.
- No addition towards future prospects has been made while calculating the loss of dependency. Future prospects ought to have been added, as the deceased was 22 years of age at the time of the accident.
- Learned Tribunal has also failed to award just and appropriate compensation under the conventional heads, namely funeral expenses, loss of estate, and loss of spousal, parental, and filial consortium, in accordance with the law laid down by the Hon'ble Supreme Court.

5. Appellant-claimants have relied upon salary certificate which was duly placed on record as Ex.P/2 from which it was found that deceased was working as a clerk and was getting gross salary of Rs.3,731/-. Though appellant-claimants had also claimed that deceased was also earning from tailoring work, however, no cogent and reliable evidence was placed on record in this regard. Learned Tribunal has rightly ignored income from tailoring work as was pleaded by claimants and had taken income of deceased to be Rs.3,700/- as per salary certificate (Ex.P/2).

6. It is also not in dispute that deceased was aged 22 years at the time of her death as is made out from post-mortem report (Ex.P2/A).

7. In present case, husband, parents and in-laws have sought compensation on account of death of deceased. Learned Tribunal has found that only husband was entitled to receive compensation. Keeping in view relation of claimants with deceased, appropriate reduction towards personal expenses would be 1/3rd of the income of deceased. Since deceased was aged 22 years old at the time of accident and was in regular job and earning stable income, addition of 50% towards future prospects needs to be made in view of judgment passed by Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.**, 2017 (16) SCC 680 and multiplier of '18' would be applicable as per judgment passed by Hon'ble Supreme Court in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, 2009(6) SCC 121.

8. The loss of dependency, therefore, has to be determined by taking monthly income of deceased to be Rs.3,731/- by applying future

prospects to the extent of 50%, multiplier of ‘18’ and by making deduction of 1/3rd towards personal expenses.

9.           Apart from compensation for loss of dependency, appellant-claimants shall also be entitled to Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate. Appellant-claimant No.1 shall be entitled to compensation of Rs.40,000/- towards loss of spousal consortium. 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-claimants, appellant-claimants shall be free to seek said amount by moving appropriate application in this regard.

10.           Reworked compensation payable to appellant-claimant is as under:-

|                                                                |                         |                         |
|----------------------------------------------------------------|-------------------------|-------------------------|
| Income                                                         | Rs.3,731/-<br>per month | Rs.3,731/-<br>per month |
| Future Prospects                                               | 50%<br>(3,731+1865)     | Rs.5,596/-              |
| Deduction                                                      | 1/3rd<br>(5,596-1,865)  | Rs.3,731/-              |
| Multiplier                                                     | 18                      | 18                      |
| Total loss of<br>dependency                                    | 3,731X18X12             | Rs.8,05,896/-           |
| Loss of Estate                                                 |                         | Rs.15,000/-             |
| Funeral Expenses                                               |                         | Rs. 15,000/-            |
| Loss of spousal<br>consortium to<br>appellant-claimant<br>No.1 |                         | Rs.40,000/-             |
| Total Compensation<br>awarded by the                           | Rs.3,84,000/-           |                         |

|                                      |                                                                                  |               |
|--------------------------------------|----------------------------------------------------------------------------------|---------------|
| Tribunal                             |                                                                                  |               |
| Total Compensation awarded in appeal |                                                                                  | Rs.8,75,896/- |
| Enhanced compensation                | Rs.8,75,896/-<br>(awarded in appeal) –<br>Rs.3,84,000/-<br>(awarded by Tribunal) | Rs.4,91,896/- |

11. Appellant-claimants shall be entitled to enhanced compensation (except for conventional heads i.e. loss of consortium, funeral expenses, loss of estate) along with 7.5% interest from the date of filing of claim petition till realization of entire amount. Interest on enhanced compensation under conventional head shall be payable from August 2017 onwards till realization. Apportionment and liability to pay compensation shall be as per award.
12. Appeal is allowed in above terms.
13. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)  
JUDGE

28.07.2026  
Sunil Chander

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