



**217-I IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

Date of Decision: 26.08.2026

1. **FAO-3505-2002**

BALBIR KAUR

...Appellant

Versus

PREM SINGH

...Respondent

2. **FAO-3507-2002**

SMT. CHARAN JIT KAUR

...Appellant

Versus

PREM SINGH AND OTHERS

...Respondents

3. **FAO-3508-2002**

BIKRAMJIT SINGH

...Appellant

Versus

PREM SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Praagbir Singh Dhindsa, Advocate
for the appellants.

PARMOD GOYAL, J. (ORAL)

Present appeals have been filed by the appellants-claimants being aggrieved by award dated 21.09.2001 passed by learned Motor Accidents Claims Tribunal, Ludhiana (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 four claim petitions preferred on account of motor vehicular accident dated 20.10.1996 caused by rash and negligent driving of respondent-driver while

driving Matador bearing registration No.GJ-IX-1582 were decided and since dispute involved in all the appeals are identical, they are being decided by way of this common judgment.

2. Appellant-claimant in FAO No.3505 of 2002, being wife of deceased Basant Singh Khalsa (hereinafter referred to as '**deceased**') is seeking enhancement of compensation of Rs.3,07,000/- and appellant-claimant in FAO No.3507 of 2002 being parents of deceased Amitjot Singh (hereinafter referred to as '**deceased**') is aggrieved by grant of compensation of Rs.1,30,000/- on account of death of deceased. Appellant-claimant in FAO No.3508 of 2002 being injured is aggrieved by grant of compensation of Rs.93,000/- on account of injuries suffered by him in motor vehicular accident. Gist of claim petitions is given as under:-

Sr. No.	Case title before the MACT	MACT Case No. / Appeal No.	Claim pertains to	Compensation awarded by the Tribunal
1.	Balbir Kaur Vs. Prem Singh & Ors	MACT Case No. 9 of 1997 and FAO No.3505 of 2002	Compensation on account of death of Basant Singh/by wife	Rs.3,07,000/-
2.	Charanjit Kaur & Anr. Vs. Prem Singh and Ors.	MACT Case No.8 of 1997; FAO No. 3507 of 2002	Compensation on account of death of Amitjot Singh/by parents.	Rs.1,30,000/-
3.	Bikramjit Singh Vs. Prem Singh and Ors.	MACT Case No.6 of 1997; FAO No. 3508 of 2002	Compensation on account of injuries suffered by himself.	Rs.93,000/-

3. Since in the present appeals the only issue raised by the appellants-claimants is with regard to the quantum of compensation and no appeal or cross-objection has been preferred by any of the respondents to challenge findings of learned Tribunal as regards to rash and negligent

driving of offending vehicle driven by respondent-driver, therefore, the detailed facts regarding the manner of accident are not being noticed herein for the sake of brevity.

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4. The claimant i.e. wife of deceased-Basant Singh Khalsa (hereinafter referred to as ‘the deceased’) had filed the claim petition seeking enhancement of compensation on the ground that she was fully dependent for her livelihood on deceased who was earning ₹5,500/- per month being Member of Lok Sabha as well as Rs.2,000/- per month as pension being Ex-Member of Punjab Legislative Assembly and due to his untimely death claimant has suffered huge financial loss.

5. The learned Tribunal assessed the income of the deceased at ₹7,500/- per month and had awarded compensation accordingly :-

Income of deceased	Rs.7,500/- per month
Deduction	1/3 rd
Multiplier	5
Loss of dependency	Rs. 3,00,000 /- (Rs.5,000 x 5 x 12)
Loss of spousal consortium	Rs.5,000/-
Funeral expenses	Rs.2,000/-
Total compensation awarded	Rs.3,07,000/-

6. The appellant-claimant has challenged the award passed by the learned Tribunal on the following grounds:

- That the learned Tribunal has failed to apply the correct multiplier, as per age of deceased.

- That the deduction towards the personal and living expenses of the deceased is excessive and contrary to the settled principles of law.
- That the 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.

7. It was pleaded by appellant-claimant that deceased was earning Rs.5,500/- per month being Member of Lok Sabha as well as Rs.2,000/- per month as pension being Ex-Member of Punjab Legislative Assembly. Learned Tribunal has duly accepted the claim made by appellant-claimant and had taken income of deceased as Rs.7,500/- per month. Learned counsel for appellant-claimant has mainly pressed for wrong application of multiplier as well as insufficient compensation under the conventional heads. Accordingly, income of deceased is taken as Rs.7,500/- per month.

8. Admittedly, deceased was 63 years old at the time of accident, therefore, future prospects are not required to be added for calculating loss of dependency. Deduction has rightly been applied by learned Tribunal to the extent of 1/3rd as deceased is survived by his wife. Since, deceased was aged 63 years at the time of accident, multiplier of '7' would be applicable instead of '5' as per judgment passed by Hon'ble Supreme Court in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, 2009(6) SCC 121.

9. The loss of dependency, therefore, has to be determined by

taking monthly income of deceased to be **Rs.7,500/-**, multiplier of ‘7’ and by making deduction of **1/3rd** towards personal expenses.

10. Apart from compensation for loss of dependency, appellant-claimant shall also be entitled to **Rs.15,000/-** towards **funeral expenses** and **Rs.15,000/-** towards **loss of estate**. Appellant-claimant shall also 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 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 appellant-claimant, appellant-claimant shall be free to seek said amount by moving appropriate application in this regard.

11. Re-worked compensation payable to appellant-claimant is as under :-

Income	Rs.7,500/- per month	Rs.7,500 /- per month
Deduction	1/3 rd (Rs.7,500 – 2,500)	Rs.5,000/-
Multiplier	7	7
Total loss of dependency	Rs.5,000/- x 7 x 12	Rs.4,20,000 /-
Loss of Estate		Rs.15,000/-
Funeral Expenses		Rs.15,000/-
Loss of spousal consortium to claimant No.1		Rs.40,000/-
Total Compensation awarded in appeal		Rs.4,90,000/-
Total Compensation awarded by the Tribunal	Rs.3,07,000/-	
Enhanced amount of compensation	Rs.4,90,000/- (awarded in appeal) – Rs.3,07,000/- (awarded by the Tribunal)	Rs.1,83,000/-

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12. The claimants i.e. parents of deceased-Amitjot Singh (hereinafter referred to as ‘the deceased’) had filed the claim petition seeking enhancement of compensation on account of untimely death of their son.

13. The learned Tribunal had awarded following compensation to the appellants-claimants :-

Treatment charges	Rs.27,169.30/-
Funeral expenses	Rs.2,000/-
Loss of dependency	Rs.1,00,000/-
Total compensation awarded	Rs.1,30,000/-

14. The appellant-claimant has challenged the award passed by the learned Tribunal on the following grounds:

- That the learned Tribunal had erred in not assessing the potential income of the deceased.
- That the learned Tribunal had failed to apply the correct multiplier, as per age of deceased.
- That the deduction towards the personal and living expenses of the deceased has not been made as per the settled principles of law.
- That no addition towards future prospects has been made while calculating the loss of dependency. Future prospects ought to have been added, as per age of deceased.
- That the learned Tribunal had 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.

15. In the case of a minor while calculating loss of dependency, Courts have to keep in mind potential of deceased to evaluate loss of dependency. Even deceased child, if had lived, would have earned and supported his dependents on attaining adulthood, therefore, it is the potential income which has to be taken as notional income in such cases, where deceased was a minor child. Learned Tribunal ought to have determined the income of deceased on the basis of minimum wages payable to unskilled worker in absence of any income proof and ought to have determined compensation after applying future prospects, multiplier and by deducting personal expenses even in case of a minor aged 5 years. The best way to take potential income as notional income is by determining income on the basis of minimum wages payable to unskilled worker taking the child to have earned minimum that much amount on attainment of adulthood.

16. In **Devendra Kumar Tripathi & Ors. Vs. The Oriental Insurance Company Ltd. & Anr.**, 2026 (1) DNJ 12, Hon'ble Supreme Court had held that in a case of minor child notional income needs to be determined as per minimum wages with 40% future prospects. In case of 14 years child, multiplier of '15' was applied. Hon'ble Supreme Court in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, 2017 (16) SCC 680 had prescribed multiplier of '18' for age group of 15 to 20 years and 21 to 25 years. In **Birbal and Another Vs. Bhalla & Ors.**, FAO No.3408 of 2004 decided on 03.02.2026, multiplier method for children of different age group was adopted by this Court. It was held that multiplier on the basis of

age groups needs to be applied to ensure uniformity. Taking clue from multiplier based system upon reduced dependency with age (as approved in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.** (supra), similar method needs to be adopted in a case of child, who would remain dependent on his parents for number of years before he attains adulthood, to achieve uniformity in payment of compensation. It was held appropriate to award multiplier of '15' in case of child aged between 11 to 14, multiplier of '12' in a case of child aged between 06 to 10 years and multiplier of 10 in case of child between 03 to 05 and multiplier of '9' in case of child in the age group of 0 to 03 years. The above noted multiplier would offset period of dependency of deceased on his/her parents. In present case, since deceased was 5 years old, multiplier of '10' would be appropriate for the purposes of determining loss of earning capacity. Accordingly, multiplier of '10' is taken for calculating loss of dependency. Since, deceased was a minor at the time of accident, his notional income is taken as Rs.1,450/- per month which is equal to minimum wages payable in 1996 when deceased had died.

17. Learned Tribunal has not made any addition towards future prospects. The deceased was 5 years of age, hence, as per the law laid down by supreme court in **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.**, 2017 (16) SCC 680, 40% towards future prospects needs to be taken in consideration while determining loss of dependency. Keeping in view the age of deceased, as mandated in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, (supra) a deduction of 50% is required to be made towards personal expenses of deceased as he was 5 years old, survived by parents and unmarried.

18. The loss of dependency, therefore, has to be determined by taking monthly income of deceased to be **Rs.1,450/-**, applying future prospects to the extent of **40%**, multiplier of **‘10’** and by making deduction of **1/2** towards personal expenses.

19. Apart from compensation for loss of dependency, appellant-claimant shall also be entitled to **Rs.15,000/-** towards **funeral expenses** and **Rs.15,000/-** towards **loss of estate**. Appellants-claimants shall also be entitled to compensation of **Rs.40,000/-** each towards **loss of filial consortium**. It is however made clear that in case Hon’ble Supreme Court answers the reference regarding quantum of compensation under conventional heads made in **Hasina Yasmin & Ors. Vs. National Insurance Co. Ltd.**, 2025 SCC Online SC 2919 in favour of appellant-claimant, appellant-claimant shall be free to seek said amount by moving appropriate application in this regard.

20. Accordingly, the reworked compensation payable to appellant-claimant is as under :-

Income of deceased	Rs.1,450/- per month	Rs.1,450/- per month
Future prospects	40% Rs.1,450/- + 580)	Rs.2,030/-
Deduction	1/2 (Rs.2,030-1,015)	Rs.1,015/-
Multiplier	10	10
Total loss of dependency	Rs.1,015 x 10 x 12	Rs.1,21,800/-
Loss of estate		Rs.15,000/-
Funeral expenses		Rs.15,000/-
Loss of Filial consortium to Claimant Nos.1 & 2	Rs.40,000/- x 2	Rs.80,000/-
Treatment charges	Rs.27,169.30/- (as awarded by Tribunal)	Rs.27,169.30/-
Compensation awarded by Tribunal	Rs.1,30,000/-	

Compensation awarded in appeal		Rs.2,58,969.3/-
Enhancement of compensation	Rs.2,58,969.3/- (as awarded in appeal)- Rs.1,30,000/- (as awarded by Tribunal)	Rs.1,28,969.3/-

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21. The Tribunal in the present case had awarded the following compensation in the claim petition filed by injured appellant-claimant Bikramjit Singh :-

Income	Rs.400/-
Multiplier	16
Loss of earning capacity	Rs.72,000/-
Treatment charges	Rs.21,045/-
Total compensation awarded	Rs.93,000/-

22. Learned counsel for injured-appellant-claimant has sought enhancement in compensation on following grounds that:-

- Learned Tribunal has erred in not determining functional disability and the income of appellant-claimant to determine loss of earning capacity;
- Future prospects were not added while determining loss of earning capacity. Future prospects to the extent 40% of monthly income needs to be added in present case;
- Appropriate multiplier was not applied by learned Tribunal;
- Compensation for loss of future prospects and future amenities, for loss of income during treatment, pain and sufferings and for

future medical expenses has not been granted to which appellant-claimant is entitled to; and

- Enhancement of compensation for medical expenses, special diet, transportation and attendant charges etc. is warranted being insufficient in view of nature of injuries, nature of treatment and period of hospitalisation.

23. It is the case of appellant-claimant that he had suffered multiple injuries on account of accident. It was asserted that the appellant-claimant had spent Rs.5,00,000/- on his treatment. In order to prove permanent disability on account of injuries suffered by appellant-claimant, he had examined Dr. Gagandeep Singh, Orthopedic Gurgaon, Civil Hospital, Ludhiana, who appeared as AW-2 and assessed the disability suffered by injured appellant-claimant to the extent of 19% vide disability certificate (Ex.A2). AW-2 stated that the appellant-claimant had suffered mal-united fracture of right shaft humerus with reduced movements of elbow and shoulder.

24. Keeping in view the nature of injuries, extent of disability, period of hospitalization, expenditure incurred on medical treatment to the extent of Rs.21,045/- the appellant claimant is entitled to consolidated amount of **Rs.30,000/-** towards **medical expenses, special diet, transportation and attendant charges**. Appellant-claimant is also entitled to compensation of **Rs.40,000/-** towards **pain and sufferings** in view of grievous injuries and time taken to heal. Since, the appellant-claimant had suffered permanent disability, he must have suffered loss of enjoyment of future amenities of life as well as future prospects therefore, he is entitled to

Rs.40,000/- towards loss of future prospects and future amenities of life.

25. In present case, appellant-claimant had claimed himself to be final year student of Engineering and the injuries had made him not suitable for a job fetching him Rs.7,500/- per month what his father was earning being a MLA. On account of disability suffered by him, he is unable to earn his livelihood. However, except for self-serving oral assertions, no material was placed before the learned Tribunal to prove pleaded vocation and income. In absence of any material/reliable to conclude income of appellant-claimant, the income of appellant-claimant is taken as per the minimum wages payable to highly skilled worker in the year 1996 i.e Rs.3,500/- per month. Accordingly, income of appellant-claimant is taken to be Rs.3,500/- per month.

26. Keeping in view the nature and extent of permanent disability suffered by appellant claimant as proved by AW-2 functional disability is taken as 19% for determining loss of earning capacity. Appellant-claimant was stated to be aged 23 at the time of accident to which there is no rebuttal. Therefore, future prospects to the extent of 40% for the purposes of determining loss of earning capacity also needs to be added in view of judgment passed by Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.**, 2017 (16) SCC 680. Since, the appellant-claimant was aged 23 years at the time of accident multiplier of '18' shall be applicable in view of judgment passed by Hon'ble Supreme Court in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, 2009(6) SCC 121.

27. Accordingly, loss of earning capacity payable to appellant-

claimant has to be determined by taking functional disability equivalent to **19%** after taking monthly income of the appellant-claimant to be **Rs.3,500/-**, by adding future prospects to the extent of **40%** and by applying multiplier of **‘18’**.

28. Keeping in view the fact that appellant-claimant must have been out of work for a period of six month on account of injuries suffered by him in the accident, therefore, he shall be entitled to **Rs.21,000/- (Rs.3,500/- x 6) towards loss of income during treatment**. Since no material is available regarding need of future treatment, no compensation for future medical expenses is payable.

29. Re-worked compensation payable to appellant-claimant is as under :-

Income	Rs.3,500/- per month	Rs.3,500/- per month
19% Functional disability	19% of Rs.3,500/-	Rs.665/-
Future prospects	40% (Rs.665 + 266)	Rs.931/-
Multiplier	18	18
Total loss of earning capacity	Rs.931/- x 12 x 18	Rs.2,01,096/-
Medical expenses, special diet, transportation and attendant charges, etc.		Rs.30,000/-
Pain and sufferings		Rs.40,000/-
Loss of income during treatment	Rs.3,500/- x 6	Rs.21,000/-
Compensation for future amenities and future prospects of life		Rs.40,000/-
Compensation awarded by Tribunal	Rs.93,000/-	
Compensation awarded in appeal		Rs.3,32,096/-
Enhancement of compensation	Rs.3,32,096 - (as awarded in appeal) - Rs.93,000/-(as awarded by Tribunal)	Rs.2,39,096/-

30. In **FAO No. 3505 of 2002** and **FAO No. 3507 of 2002** the 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.

31. In **FAO No. 3508 of 2002** appellants-claimants shall also be entitled to interest over enhanced amount to the extent of 7.5% from the date of filing of claim petition till its realization. The liability of respondents to pay compensation shall be as per award.

32. Appeals are accordingly allowed in above terms. Pending application(s), if any, is/are disposed of accordingly.

26.08.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

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