



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

294

FAO-3350-2005 (O&M)

Reserved on : 15.07.2026

Pronounced on : 22.07.2026

NACHHATAR KAUR AND ANOTHER

...APPELLANTS

VERSUS

SURMUKH SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None for appellants.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for respondent No.3-Insurance Company.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by appellants-claimants (widow and daughter) of Sewa Singh (hereinafter referred to as '**deceased**') seeking enhancement of compensation awarded vide award dated 27.07.2004 passed by learned Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as '**Tribunal**'), whereby appellants-claimants were awarded total compensation of Rs.72,000/- on account of death of deceased in motor vehicular accident dated 06.11.2002 allegedly caused due to rash and negligent driving of respondent-driver while driving tractor trolley bearing registration No.PB-12-C-7047 (hereinafter referred to as '**offending vehicle**')

2. Since the finding of negligence on the part of respondent-driver is not being challenged by respondents either by way of appeal or by way of cross-objections, the detailed facts regarding manner of 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-claimant:

Income	Rs.15,000/- per annum
Deduction	1/3rd
Multiplier	7
Loss of dependency	Rs.70,000/- (Rs.10,000X7)
Funeral expenses	Rs.2,000/-
Total compensation	Rs.72,000/-

4. Learned counsel for appellants-claimants has sought enhancement in compensation on following grounds that:-

- Learned Tribunal has erred in not assessing income of the deceased as pleaded.
- Learned Tribunal has erred in not taking into consideration future prospects for determining loss of dependency.
- Learned Tribunal has failed to apply correct multiplier, despite the fact that the deceased was 65 years of age at the time of accident.
- The deduction towards personal expenses and living expenses of the deceased is excessive and contrary to the settled principles of law.

- Learned Tribunal has also failed to award just and appropriate compensation under the conventional heads, namely funeral expenses, loss of estate, loss of spousal, parental and filial consortium, in accordance with the law laid down by the Hon'ble Supreme Court.

5. Appellants-claimants had claimed that deceased was Tailor Master and used to earn Rs.200/- to Rs.300/- per day and additional amount of Rs.100/- per day by rearing cattle, however, except for oral assertions, no cogent and reliable material was placed on record to prove vocation and income of deceased by appellants-claimants. The notional income of deceased was taken by learned Tribunal to Rs.15,000/- per annum.

6. Income of deceased, who was stated to be 65 years old, has to be taken income payable to to skilled worker. A person who is 65 years old by virtue of his active working in a particular field becomes experienced worker and has to be treated to be a skilled worker. Since the accident had taken place in the year 2002, the **income** of deceased is taken as **Rs.2,150/-** as was payable to skilled worker in the year 2002. The age of deceased was stated to be 60 years by appellants-claimants, however, as per post-mortem report (Ex.P2) relied upon by the appellants-claimants, the age of deceased was mentioned as 65 years. The age of deceased was known only to the appellants-claimants and therefore, onus to prove age of deceased by way of date of birth certificate, school certificate or any other supporting document showing the date of birth of the deceased, was upon appellants-claimants. Hence, learned Tribunal has rightly taken the age of deceased to 65 years as per post-mortem report. Since deceased was more than 60 years old,

therefore, no future prospects are to be added. In view of judgment passed by Hon’ble Supreme Court in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, 2009(6) SCC 121 and **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.**, 2017 (16) SCC 680, in order to calculate loss of dependency, multiplier of ‘7’ needs to be applied as per age of deceased and deduction towards personal expenses to the extent of 1/3rd has to be made as deceased was survived by two dependents i.e. wife and daughter. Accordingly, taking salary of deceased to be Rs.2,150/- per month, applying multiplier of ‘7’ and after making deduction of 1/3rd, loss of dependency is determined hereinbelow.

7. Apart from compensation for loss of dependency, appellants-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 @ **Rs.40,000/-** towards **spousal consortium** and appellant-claimant No.2 shall be entitled to compensation @ **Rs.40,000/-** towards parental 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 appellants-claimants, appellants-claimants shall be free to seek said amount by moving appropriate application in this regard.

8. Reworked compensation payable to appellants-claimants is as under:-

Income	Rs.2,150/-	Rs.2,150/-
Deduction	1/3rd (2,150-716.6)	Rs.1,434/-
Multiplier	7	7

Total loss of dependency	1,434 X 7 X 12	Rs.1,20,456/-
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		Rs.40,000/-
Total compensation awarded by Tribunal	Rs.72,000/-	
Total compensation awarded in appeal		Rs.2,30,456/-
Enhanced amount of compensation	Rs.2,30,456 /- (awarded in appeal) - Rs.72,000/- (awarded by Tribunal)	Rs.1,58,456/-

9. Appellants-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 heads shall be payable from August 2017 onwards till realization. Apportionment and liability to pay compensation shall be as per award.
10. Present appeal is allowed in above terms.
11. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)

JUDGE

22.07.2026

Sunil Chander

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No