IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(231) **FAO-972-2002(O&M)**
Reserved on: 04.11.2025
Pronounced on: 06.11.2025

PARAMJIT KAUR AND OTHERS … APPELLANTS

VERSUS

RULDA SINGH AND OTHERS … RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Dhruv Singh, Advocate
for appellants.

Mr. Didar Singh, Advocate for
Mr. Vinod Gupta, Advocate
for respondent No.3.

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VIRINDER AGGARWAL, J.

1. This appeal has been preferred by the claimants seeking enhancement of compensation awarded vide award dated 06.08.2001 passed by the Motor Accident Claims Tribunal, Kurukshetra, whereby the compensation of ₹3,00,000/- along with interest at 9% per annum was granted on account of death of Kulvinder Singh in a motor vehicular accident that took place on 22.04.1999.

BACKGROUND FACTS

2. The brief facts are that on 22.04.1999, Kulvinder Singh(deceased) was travelling from Pehowa towards Delhi alongwith Gurdeep Singh and others in a TATA Sumo vehicle No.(HR-41-7335). When the vehicle reached near village Indwari near Jyotisar on the Kurukshetra–Pehowa road, a truck bearing registration No. (PB-11K-1749), driven by respondent No.1, came from the

opposite direction at a high speed and in a rash and negligent manner. The truck, being driven in a zig-zag manner, suddenly swerved and collided head-on with the TATA Sumo. On account of the forceful impact, Kulvinder Singh sustained multiple grievous injuries and died at the spot. The claimants thereafter instituted the present claim petition seeking compensation of ₹10,00,000/- on account of his death.

3. Upon consideration of the oral and documentary evidence, the learned Tribunal concluded that the accident had occurred on account of the rash and negligent driving of respondent No.1. This finding was founded primarily on the ocular testimony of Chanchal Singh (PW-1) as well as the FIR (Ex. PA) registered immediately after the incident. For the purposes of computation, the learned Tribunal assessed the monthly income of the deceased at ₹2,000/-, deducted one-fourth towards personal expenses, applied a multiplier of 16, and thereby determined the loss of dependency at ₹2,88,000/-. In addition learned Tribunal has awarded ₹2000/- to the claimants on account of loss of estate and ₹5000/- each on account of funeral expenses and loss of consortium. Thereby, the total compensation awarded was ₹3,00,000/-.

<u>CONTENTIONS</u>

4. Learned counsel for the appellants have assailed the award primarily on the ground that the compensation is grossly inadequate. It is contended that the deceased was employed as a driver of Tata Sumo and his income is assessed on the lower side. Further the dependency of the family was not properly considered. It is further contended that the learned Tribunal failed to award just compensation in accordance with settled principles of law. It is argued that addition towards future prospects ought to have been granted, the correct multiplier should have been applied keeping in view the age of the deceased,

and compensation under the conventional heads was also liable to be awarded. Therefore, the learned counsel sought an increase in the quantum of award.

5. Learned counsel for respondent No.3 (insurance company) supported the award of the learned Tribunal, contended that the award had been passed after a proper and thorough appreciation of the evidence on record and therefore, did not warrant any interference by this Court.

OBSERVATIONS AND FINDINGS

6. I have carefully heard the arguments advanced by the learned counsel representing the appellants and have thoroughly examined the entire paper book.

7. The learned Tribunal, on an appreciation of the oral and documentary evidence adduced by the party, rightly came to the categorical conclusion that the accident had occurred due to the rash and negligent driving of the offending vehicle by respondent No.1. However, the learned Tribunal's approach in awarding the amount of ₹3,00,000/- without applying the future prospects, correct multiplier and accurate conventional heads, is erroneous and warrants interference. The Hon'ble Supreme Court has repeatedly emphasized the need for a structured and uniform approach to compensation in motor accident death cases to ensure just compensation under Section 166 of the Motor Vehicle Act.

8. Firstly, as regards the assessment of income, the learned Tribunal assessed the monthly income of the deceased at ₹2,000/-. I find no reason to interfere with the said assessment. As the deceased was a driver of a Tata Sumo and no evidence was produced of his salary. Therefore, a higher income cannot be presumed in absence of any cogent documentary evidence. At the same time, keeping in view the year of accident, the nature of avocation and the prevailing earnings of a driver or skilled labour that period, the income of ₹2,000/- per

month assessed by the learned Tribunal is reasonable and calls for no enhancement.

9. However, it is to be noted that the computation of compensation is not in conformity with the settled principles of law governing assessment of just compensation. The learned Tribunal has failed to make additions towards future prospects, which is now mandatory even in the case of self-employed, as held by the Constitution Bench of the Hon'ble Supreme Court in ***National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680**. Further, the deduction of one-fourth towards personal expenses is correct to the standard laid down in ***Sarla Verma v. DTC*, (2009) 6 SCC 121**, wherein it has been held that where the dependents are 4 to 6 in number, the appropriate deduction should be **one-fourth**. Additionally, the learned Tribunal has not rightly awarded amount under the conventional heads such as loss of consortium, loss of estate and funeral expenses, which have been recognised as integral components of just compensation by the Hon'ble Supreme Court in ***Pranay Sethi* (supra)** and later affirmed in ***Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram*, (2018) 18 SCC 130**.

10. Accordingly, the compensation is required to be reassessed by applying the above judgments and considering the age of the deceased **22 years** as per Post Mortem Report (Ex.P8). The reassessment is structured as under:

<u>REASSESSED COMPUTATION</u>

Particulars	Tribunal Award (₹)	**Reassessed Award (₹)**
Annual Income	24,000/-	**24,000/-**
Income With Future Prospects (40%)	x	**33,600/- (24,000 + 9600)**
Deduction (1/4th For Personal Expenses) (4 Dependents)	6,000/-	**8,400/-**
Annual Contribution To Family	18,000/-	**25,200/-**
Multiplier **(age 22 yrs)**	16	**18**

Loss Of Dependency	**2,88,000/- (18000 × 16)**	**4,53,600/- (25,200 × 18)**
Spousal Consortium	5000/-	**40,000/-**
Parental Consortium	x	**40,000/-**
Filial Consortium	x	**80,000/- (40,000 × 2)**
Loss Of Estate	2,000	**15,000/-**
Funeral Expenses	5,000	**15,000/-**
Total	₹3,00,000/-	**₹ 6,43,600/-**

11. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹3,00,000/- to **₹6,43,600/-**. The enhanced amount shall carry the same interest at rate of 7% per annum from the date of filing of the claim petition till realization. The liability of respondent Nos. 1,2 and 3 shall remain joint and several as held by the learned Tribunal.

12. The appeal is accordingly partly **allowed** with modification of the award to the above extent. All other conditions of the award, not inconsistent with this judgment, shall remain unaltered.

13. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

(VIRINDER AGGARWAL)
JUDGE

06.11.2025
Saurav Pathania

(i) Whether speaking/reasoned : Yes/No
(ii) Whether reportable : Yes/No

SAURAV PATHANIA
2025.11.07 14:58
I attest to the accuracy and integrity of this document