



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: 19.12.2025
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1. FAO No.1754 of 2019 (O&M)

AMANDEEP KAUR AND OTHERS ... APPELLANTS

VERSUS

RAKESH SINGH AND ANOTHER ... RESPONDENTS
AND

2. FAO No. 1759 of 2019 (O&M)

SUKHWINDER KAUR AND OTHERS ... APPELLANTS

VERSUS

RAKESH SINGH AND ANOTHER ... RESPONDENTS
AND

3. FAO No. 1778 of 2019 (O&M)

DILRAJ KAUR AND ANOTHER ... APPELLANTS

VERSUS

RAKESH SINGH AND ANOTHER ... RESPONDENTS
AND

4. FAO No. 1817 of 2019 (O&M)

VIKRAM SINGH ... APPELLANT

VERSUS

RAKESH SINGH AND ANOTHER ... RESPONDENTS
AND

5. FAO No. 1996 of 2019 (O&M)

ISHWAR SINGH ... APPELLANT

VERSUS

RAKESH SINGH AND ANOTHER ... RESPONDENTS
AND

6. FAO No. 2061 of 2019 (O&M)



KARNAIL SINGH

... APPELLANT

VERSUS

RAKESH SINGH AND ANOTHER

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Anil Kumar Gahlawat, Advocate
for the Appellants in all appeals.

Mr. Vinod Gupta, Advocate
for respondent No.2/Insurance Company.

VIRINDER AGGARWAL, J.

1. These six appeals arise out of a common award dated 24.07.2017 passed by the Motor Accident Claims Tribunal, Karnal, in several claim Petitions. By the impugned award, the learned Tribunal disposed of multiple claim petitions filed under Section 166 of the Motor Vehicles Act, 1988, awarding compensation to the claimants for deaths and injuries sustained in a motor vehicular accident. Feeling aggrieved by the quantum of compensation awarded, which the appellants contend is inadequate and is not in consonance with settled principles, the claimants have preferred these appeals seeking enhancement of the compensation. Since all appeals stem from the same accident and common award, they are being disposed of by this common judgment.

BACKGROUND FACTS

2. The facts leading to the present appeals, in brief, are that on 17.03.2015, the deceased persons and injured claimants were travelling in a three-wheeler being driven by Vikram Singh, proceeding from Bus Stand, Assandh towards village Kheri Sharfali. When the three-wheeler reached near



Bus Stop Chowgana, a car bearing registration No. HR-08-L-6529, driven by respondent No.1, came from the side of Kaithal at a high speed and in a rash and negligent manner and struck against the three-wheeler. As a result of the said accident, Gurnor (minor child), Natha Singh @ Puran Singh and Lakhwinder Kaur sustained fatal injuries and succumbed thereto, whereas Vikram Singh, Ishwar Singh and Karnail Singh suffered multiple injuries, including grievous injuries. An FIR No.112 dated 17.03.2015 under Sections 279, 304-A and 506 IPC was registered at Police Station Assandh, District Karnal against respondent No.1.

3. Consequent upon the accident, numerous claim petitions came to be filed by the legal heirs of the deceased as well as by the injured claimants under Section 166 of the Motor Vehicles Act before the learned Motor Accident Claims Tribunal, Karnal, seeking compensation under various heads such as loss of dependency, consortium, medical expenditure, funeral expenses, special diet, attendant charges and loss of income. The learned Tribunal clubbed the petitions, noticing that all claims pertained to the same accident, and proceeded to record common evidence on issues of negligence and liability, while separate evidence was considered regarding age, income, treatment and quantum of compensation in each individual petition.

4. Upon appreciation of the oral and documentary evidence led by the parties, the learned Tribunal returned a categorical finding that the accident in question occurred due to rash and negligent driving of the offending car by respondent No.1. The learned Tribunal relied upon the testimony of injured eye-witnesses, medical evidence and police record to arrive at the said conclusion.

The plea of composite negligence raised on behalf of the respondents was



specifically rejected by the learned Tribunal, holding that there was no evidence on record to suggest any negligence on the part of the driver of the three-wheeler. The learned Tribunal further held that respondent No.1 was driving the offending vehicle with a valid and effective driving licence at the time of accident and that the vehicle was duly insured with respondent No.2. Consequently, respondents No.1 and 2 were held jointly and severally liable, with the insurer being liable to indemnify the insured. In the death cases, the learned Tribunal assessed compensation by determining the age, income and dependency of the deceased persons and applied the appropriate multiplier, while also awarding amounts under conventional heads. In the case of Lakhwinder Kaur, the learned Tribunal treated the deceased as a housewife and assessed her notional income accordingly. In the injury cases, compensation was awarded to the injured claimants towards medical expenses, pain and suffering, loss of income during treatment and disability, wherever applicable, on the basis of medical evidence and disability certificates. The learned Tribunal awarded interest at the rate of 9% per annum on the compensation amounts from the date of filing of the claim petitions till realization.

CONTENTIONS

5. Learned counsel for the appellants argued that the compensation awarded by the learned Tribunal is grossly inadequate and inconsistent with the settled principles for determining just compensation. It was submitted that the learned Tribunal failed to grant amounts under the essential conventional heads, made no addition towards future prospects, and wrong deduction towards personal expenses in the circumstances of the death cases, and transportation expenses, special diet, attendant charges, pain and suffering and loss of income



during the period of hospitalisation have been inadequately awarded in injury cases. It was thus urged that the award warrants enhancement to ensure fair and reasonable compensation to the claimants.

6. Per Contra, the learned counsel for the respondent, while supporting the impugned award, submits that the learned Tribunal has appreciated the evidence in its correct perspective and has passed the award strictly in accordance with law. It is argued that all relevant factors including age, occupation and dependency of the deceased and injured persons have been duly considered and the amounts awarded under various heads are just, proper and reasonable. It is further contended that no infirmity, perversity or misreading of evidence can be attributed to the conclusions arrived at by the learned Tribunal so as to warrant interference by this Court in exercise of appellate jurisdiction.

OBSERVATIONS AND FINDINGS

7. I have heard learned counsel for the parties and perused the complete records. On due consideration of the findings recorded by the learned Tribunal, particularly on the issue of negligence and fastening of liability, I find no reason to take a different view. The findings on those aspects are accordingly affirmed. However, the core issue arising in all these appeals pertains to the reassessment of the quantum of compensation. The reassessment in each of the present appeals is, therefore, undertaken as under:

(I) APPEALS IN DEATH CASES

8. Compensation requires reassessment strictly in terms of the principles laid down by Hon'ble the Supreme Court in *National Insurance Co.*

Ltd. v. Pranay Sethi, (2017) 16 SCC 680, *Magma General Insurance Co. Ltd.*



v. Nanu Ram alias Chuhru Ram, 2018 (18) SCC 130 and Sarla Verma v. DTC, (2009) 6 SCC 121, wherein the framework for computation of “loss of dependency” by addition towards future prospects as per the nature of employment, deducting personal expenses of deceased, and applying appropriate multiplier on the basis of age of the deceased, and standardized amounts for conventional heads such as loss of estate, funeral expenses and loss of consortium, has been settled. The present matters, therefore, call for recalculation of the amount under each of these heads by applying the correct deduction on basis of dependency and correct multiplier relatable to the age of the deceased and by granting the admissible sum towards consortium and other conventional heads as mandated in the aforesaid decisions. The reassessment in each of the present appeals is, therefore, undertaken as under:

(i). FAO No. 1754 of 2019 (Death Case of Lakhwinder Kaur)

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	5,000/-	5,886/- (Unskilled Labour)
Income With Future Prospects (25%)	x	7,357/-
Income After Deduction (3 Dependents)	x	4,905/- (1/3rd For Personal Expenses)
Annual Contribution To Family	60,000/- (5,000 x 12)	58,860/- (4,905 x 12)
Multiplier (age 40 yrs)	14	15
Loss Of Dependency	8,40,000/-	8,82,900/- (58,860 × 15)
Spousal Consortium	1,00,000	40,000/-
Parental Consortium		80,000/-
Loss Of Estate		15,000/-
Funeral Expenses		15,000/-
Medical Treatment	1,11,737	1,11,737/-
Total Compensation	10,52,000/-	₹11,44,637/-

(ii). FAO No. 1759 of 2019 - (Death Case of Natha Singh @ Puran Singh)

9. In so far as the present case is concerned, the learned Tribunal assessed the monthly income of the deceased, who was working as a driver, at ₹9,560/-. It is true that the minimum wages payable to a skilled labourer in the State of Haryana for the year 2015 were ₹6,276/- per month. Further, the learned Tribunal applied 30% future prospects to the income, which is not in consonance with the settled law. Since the deceased was 44 years of age and fell under the category of self-employed persons within the age slab of 40–50 years, future prospects ought to have been applied at the rate of 25% only. Moreover, the consolidated compensation awarded under the conventional heads is also on higher side. Thus, the reassessment of compensation as per the settled law is as under:

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	9,560/-	6,276/- (Skilled Labourer)
Income With Future Prospects	12,428/- (30%)	7,845/- (25%)
Income After Deduction (3 Dependents)	8,285/- (1/3rd For Personal Expenses)	5,230/- (1/3rd For Personal Expenses)
Annual Contribution To Family	99,420/- (8,285 x 12)	62,760/- (7,967 x 12)
Multiplier (age 44 yrs)	14	14
Loss Of Dependency	13,91,936/-	8,78,640/- (62,760 × 14)
Spousal Consortium	2,25,000	40,000/-
Parental Consortium		80,000/-
Loss Of Estate		15,000/-
Funeral Expenses		15,000/-
Total Compensation	16,16,936/-	₹10,28,640/-



Therefore, though this Court finds that the compensation assessed by the learned Tribunal is on the higher side and appropriate compensation should have been less than awarded by learned Tribunal. Since, there is no cross-objection on behalf of the respondents. So, in order to avoid any detriment to the claimants, the compensation awarded by the learned tribunal is retained. Consequently, the award passed by the learned Tribunal is upheld and the present appeal stands **dismissed**.

(iii). FAO No. 1778 of 2019 - (Death Case of Minor Gurnoor- 3 Months old)

10. It is no doubt true that the Hon'ble Supreme Court, in a catena of decisions, has held that compensation in the case of death of a minor child is not to be denied merely on the ground that the child was not earning, and that such claims are to be considered on principles broadly applicable to other cases, by awarding just and reasonable compensation. However, the facts of the present case stand on an entirely different footing. The deceased was an infant aged only about **three months**, falling in the category of a newborn, in whose case no assessment of future earning potential, educational prospects, or contribution to the family can be reasonably envisaged. In such a situation, the application of any structured or multiplier-based formula would be wholly unrealistic and artificial. The loss suffered by the parents is primarily the loss of love, affection, and companionship of the infant, which cannot be quantified in pecuniary terms. Therefore, the compensation in the present case must necessarily be confined to just and reasonable conventional amounts, keeping in view the peculiar facts and circumstances of the case, so as to meet the ends of justice.



11. Further, in *National Insurance Co. Ltd. v. Pranay Sethi and others, 2017 (16) SCC 680*, and *Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram, 2018 (18) SCC 130*, the Hon'ble Supreme Court prescribed standard amounts for conventional heads such as loss of estate, funeral expenses, and consortium, including parental consortium in cases of loss of a child. Accordingly, the following computation is made:

Particulars	Tribunal (₹)	Reassessed (₹)
Loss of Dependency (Notional Income x Multiplier)	4,50,000/- (30,000x15)	5,00,000/- (Lump-Sum)
Loss of Estate	50,000/-	15,000/-
Funeral Expenses	x	15,000/-
Parental Consortium (₹40,000 each)	x	80,000/-
Total Compensation	5,00,000/-	₹6,10,000/-

(II) APPEALS IN INJURY CASES

12. In the injury cases, the amount of compensation has to be evaluated in accordance with the principles recognised in *Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343*, wherein the Hon'ble Supreme Court has classified the heads of compensation separately for pecuniary and non-pecuniary damages, including medical expenses, loss of income during treatment, future loss of earning capacity, attendant charges, special diet, transportation, pain and suffering and loss of amenities. The quantum in each of such cases, therefore, warrants re-examination by considering the nature of injuries, duration of hospitalisation, permanent disability, if any, and other attending circumstances as reflected in the respective records.

(iv). FAO No. 1817 of 2019 (Injury Case of Vikram Singh)



13. It clearly emerges from the award, disability certificate (Ex.P18) and the medical bills(Ex.P23, Ex.P25, Ex.P31-Ex.P38) on record that Vikram Singh was operated twice and remained hospitalised for about 12 days and had suffered multiple injuries including fractures bilateral femur, left tibia and collis left and fracture in left wrist. The evidence of Dr. Vinod Kamal (PW-6) and Dr. D.K.Gulati (PW-8), supported by documentary evidence, establishes that injured has suffered multiple injuries and consequent functional impairment. It further emerges from the record that the claimant was working as a driver, and, therefore, the injuries has a direct bearing on his earning capacity and future livelihood. The findings of learned Tribunal are justified in this head and also in medical expenses, and does not warrant inference by this court. However, keeping in view his age (31 year), the nature of injuries sustained, treatment, hospitalization and the consequent pain, suffering and emotional trauma due to injuries, a reasonable enhancement under the pecuniary and non-pecuniary heads is warranted. The following compensation is to be reassessed:

Particulars	Awarded by Tribunal (₹)	Re-assessed (₹)
Permanent disability affecting future earning capacity	6,35,960/-	6,35,960/-
Medical expenses	1,04,738/-	1,04,738/-
Pain and suffering	30,000/-	30,000/-
Loss of amenities		20,000/-
Transportation	10,000/-	15,000/-
Attendant	12,000/-	20,000/-
Special diet	12,000/-	15,000/-
Total	8,00,000/- (Rounded off)	8,40,698/- {8,41,000/-} (Rounded off)

**(v). FAO No. 1996 of 2019 (Injury Case of Ishwar Singh)**

14. In the case of Ishwar Singh, a perusal of the award reveals that the learned Tribunal has recorded that the claimant sustained a fracture of the shaft of femur (right lower one-third) in the accident and remained hospitalised and under medical treatment, including surgical intervention. The medical evidence further shows that the claimant remained incapacitated for a considerable period and was required to undergo follow-up treatment. PW-6 Dr. Vinod Kamal has categorically stated that the permanent disability suffered by the claimant was likely to reduce with the passage of time. In view of the said testimony, this Court finds that the claimant cannot be granted any separate compensation towards loss of future earning capacity on account of disability, and the claimant is held entitled only to compensation towards loss of income for the period of incapacity. Further, in view of the seriousness of the injury, the period during which the claimant could not attend to his avocation and the need for transportation, attendant support and special diet during treatment, this Court considers it just and appropriate to enhance the compensation under the heads of loss of income, pain and suffering, loss of amenities, transportation, attendant charges and special diet, while maintaining the award towards medical expenses as supported by the record. The compensation is, accordingly, reassessed as reflected in the following table:

Particulars	Awarded by Tribunal (₹)	Re-assessed (₹)
Loss of Income	30,000/-	50,000/-
Medical expenses (As per Ex.P-27, Ex.P-29, Ex.P-30)	21,913/-	21,913/-
Pain and suffering	20,000/-	30,000/-
Loss of amenities		20,000/-



Transportation	5,000/-	10,000/-
Attendant	6,000/-	10,000/-
Special diet	6,000/-	10,000/-
Total	89,000/- (Rounded off)	1,51,913/- {1,52,000/-} (Rounded off)

(vi). FAO No. 2061 of 2019 (Injury Case of Karnail Singh)

15. In this case, the claimant sustained injuries in the accident and remained under medical treatment for a considerable period, during which he was unable to attend to his normal avocation. Considering the nature of injuries, the period of treatment and the physical pain endured by the claimant, this Court finds that the compensation awarded under the heads of pain and suffering and certain incidental pecuniary expenses is inadequate. Accordingly, keeping in view the requirement of medical care, attendant assistance and repeated visits to hospitals during the course of treatment, the compensation under the heads of pain and suffering, transportation, attendant charges and special diet is enhanced, as reflected in the table hereinabove. Accordingly, enhancement under the different heads is as following:

Particulars	Awarded by Tribunal (₹)	Re-assessed (₹)
Loss of Income	10,000/-	20,000/-
Medical expenses (As per Ex. P-12)	30,200/-	30,200/-
Pain and suffering	10,000/-	10,000/-
Loss of amenities		10,000/-
Transportation	2,000/-	5,000/-
Attendant	3,000/-	5,000/-
Special diet	2,000/-	5,000/-
Total	57,200/- (Rounded off)	85,200/-



16. Accordingly, the cumulative result of all the connected FAOs is summarised as under:

FAO No.	Awarded by Tribunal (₹)	Re-assessed (₹)	Granted
1754/2019	10,52,000/-	₹11,44,637/-	Enhanced Compensation
1759/2019	16,16,936/-	₹10,88,640/-	<i>Not Reduced / maintained</i>
1778/2019	5,00,000/-	₹6,10,000/-	Enhanced Compensation
1817/2019	8,00,000/-	₹8,41,000/-	Enhanced Compensation
1996/2019	89,000/-	₹1,52,000/-	Enhanced Compensation
2061/2019	57,200/-	₹85,200/-	Enhanced Compensation

17. In the light of the above discussion and the computation undertaken hereinabove, all the present appeals **except** FAO-1759/2019 are partly **allowed** to the extent of enhancement of compensation as reassessed in each individual case, whereas the **appeal no. 1759/2019** is **dismissed**. The enhanced amount shall carry interest at rate of 7% per annum from the date of filing of the respective claim petitions till the realisation of the entire amount. Except for the modification of the quantum of compensation, all other findings recorded by the learned Tribunal, including those with regard to negligence, liability and mode of disbursement, shall stand affirmed.

18. Since the main cases have been decided, pending miscellaneous application(s), if any, stands also disposed of.

19. A photocopy of this order be placed on the files of other connected cases.

(VIRINDER AGGARWAL)
JUDGE

22.12.2025
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- (i) Whether speaking/reasoned : Yes/No
(ii) Whether reportable : Yes/No