207 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1908-2002
Date of Decision: 07.11.2025

SANTOSH RANI AND ORS

....Appellants

Versus

MOHINDER SINGH AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Paramveer Singh, Advocate for the appellants.

Ms. Geetika Rani, Advocate for Mr. Lalit Garg, Advocate for respondent No.3.

Parmod Goyal, J. (Oral)

The present appeal has been preferred by the claimants-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Sirsa (hereinafter referred to as ‘Tribunal’) vide the impugned award dated 11.10.2001 on account of death of Subhash Gir (hereinafter referred to as ‘deceased’) in a motor vehicle accident which had occurred on 13.10.1999 on account of rash and negligent driving by Respondent No. 1 while driving TATA Sumo jeep bearing registration No.HR-22B-3590 (hereinafter referred to as “offending vehicle”).

2. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal are not being adverted to for herein sake of brevity.

3. The Tribunal in the present case has awarded the following

compensation:

Monthly Income	Rs. 2,000 per month (as per minimum wages prevalent at that time)
Deduction	1/3rd
Multiplier	15
Total Compensation awarded	Rs.2,40,000/-

4. Learned Counsel for the claimants-appellants would contend that the compensation awarded by Tribunal is on the lower side inasmuch as the income of the deceased has been assessed at Rs.2,000/- per month as per the minimum wages whereas in the present case the deceased was working as a motor mechanic and was also running dairy and the income ought to be on the higher side. Learned counsel has also placed reliance upon judgement of Hon'ble Supreme Court titled **Chameli Devi & Ors Vs. Jivrail Mian & Ors,** 2019 (5) RCR (Civil) 884 and **United India Insurance Co. Ltd. Vs. Satinder Kaur @ Satwinder Kaur & Ors.**, 2020(3) RCR (Civil) 75 as well as judgements of this court titled in **Smt. Laj and Ors Vs. Abdulla Rafiq @ Yunis and Ors**, 2025 NCPHHC 130111. It is further contended that no amount has been awarded towards loss of future prospects and the multiplier has been wrongly applied. That no amount has been awarded under conventional heads i.e loss of estate, funeral expenses, loss of consortium.

5. Per contra Learned counsel for respondent No. 3 Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and there is no scope of enhancement.

6. In the present case, the income of the deceased has been rightly assessed by the Tribunal and cannot be faulted with. It is not in doubt that oral evidence to prove income of deceased, especially when deceased was working in unorganized sector can be considered by Courts to find out loss of dependency. However, such oral evidence must be reliable and must inspire confidence. Mere oral evidence without any sought of corroboration is not sufficient to rely upon as income is reflected by lifestyle and expenses incurred by deceased. Here no evidence has been led by claimants to show that deceased had educational and vocational training to be motor mechanic. Similarly, no evidence of ownership of any live stock to prove dairy income has been produced. Even evidence that petitioner was owing a shop or had it on rent was not produced. No ownership of vehicle, house property, expenses on children education have been produced to reflect income. Similarly, grant of interest on awarded amount is dependent upon prevailing bank rates and inflation. Therefore, judgments referred by learned counsel for the appellant has no applicability to facts of the present case. Since the deceased was about 35 years of age at the time of accident, as per the post mortem report a multiplier of '16' would be applicable instead of '15' as per the law laid down by Hon'ble Supreme Court in case of ***Sarla Verma Vs. Delhi Transport Corporation 2009 Vol.III RCR (Civil) 77.*** The Tribunal has erred in not awarding addition towards loss of future prospects. In the present case since the deceased was 35 years of age, an addition of 40% would be applicable towards future prospect as per the law laid down by Hon'ble Supreme Court in case of ***National Insurance Company Ltd. Vs. Pranay Sethi & Ors., 2017 (16) SCC 680***. The deduction of 1/3rd is also wrongly applied, in the present case keeping in view the number of dependants i.e. 5 the deduction ought to

be 1/4th. The Claimants/appellants shall also be entitled to compensation of Rs. 7,500/- towards funeral expenses, Rs.7,500/- loss of estate and Rs 15,000/- to each of the claimants/appellants towards spousal, parental and filial consortium.

7. Accordingly, the reworked compensation to which the claimants-appellants are entitled to is as under:

Income	Rs.2,000/- per month (as per minimum wages)	Rs. 2,000/- per month (as per minimum wages)
Future Prospects	40% (Rs. 2,000+ 800)	Rs.2,800/-
Deduction	1/4th (Rs. 2,800-700)	Rs. 2,100/-
Multiplier	16	16
Total loss of dependency	Rs.2,100x12x16	Rs.4,03,200/-
Loss of Estate		Rs. 7,500/-
Funeral Expenses		Rs. 7,500/-
Loss of Spousal Consortium to claimant No. 1		Rs. 15,000/-
Loss of Parental consortium to claimant nos. 2&3	Rs. 15,000/- x 2	Rs. 30,000/-
Loss of Filial consortium to claimant nos.4&5	Rs.15,000/-x2	Rs.30,000/-
Total Compensation awarded in appeal		Rs. 4,93,200/-
Total Compensation awarded by the Tribunal		Rs.2,40,000/-
Enhanced amount of compensation	Rs 4,93,200 (as awarded in appeal) – Rs 2,40,000 (as awarded by Tribunal)	Rs. 2,53,200/-

8. Claimants shall also be entitled to interest at the rate of 7.5% per annum from the date of filing of petition till realization on enhanced amount.

Apportionment and liability of respondents to pay compensation shall be as per award.

9. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors.** AIR 2025 SC 1713, after calculation of the enhanced amount the same be transferred by respondent No. 3 Insurance Company in the bank account (s) of the claimants-appellants within a period of six weeks from today. The particulars of the bank account (s) along with requisite documents in support thereof shall be furnished by the claimants-appellants to respondent No.3 – Insurance company within a period of two weeks from today and needful shall be done by respondent no.3 – Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest.

10. In view of above discussion, the award passed by the Tribunal is modified and the present appeal stands allowed accordingly.

11. Pending miscellaneous application(s), if any, shall also stand disposed of.

(PARMOD GOYAL)
JUDGE

07.11.2025
Manoj

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