



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

(212)

**FAO no. 1125 of 2002
Reserved on: 23.09.2025
Pronounced on: 25.09.2025**

Harmit Kaur

... Appellant

Versus

Manoj Kumar and Other

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Rakesh Nagpal, Advocate
for the appellants.

None for the respondent.

VIRINDER AGGARWAL, J.

1. The present appeal is filed against the award dated 04.09.2001 passed by the learned Motor Accident Claims Tribunal, Fatehgarh Sahib, whereby compensation of ₹2,50,000 with interest at rate of 9% per annum was awarded to the appellants/claimants on account of the death of Surinder Singh in a motor vehicular accident that occurred on 24.12.1996.

FACTUAL BACKGROUND

2. Brief facts of the case are that on 24.12.1996, the deceased Surinder Singh, aged about 35 years, was driving Bus No. PB-11-G-9650 from Patiala to Delhi. When the bus reached near the SYL Canal, Rajpura, it was hit by Truck No. DIG 9031, driven rashly and negligently by respondent no.1 (Manoj Kumar), coming from the opposite direction. As a result, Surinder Singh sustained fatal



injuries and succumbed before reaching Rajindra Hospital, Patiala. Thereafter, the claimants, namely his widow and parents, filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 claiming compensation of ₹15,00,000 on the plea that the deceased was working as Driver in PRTC Depot II Patiala and was getting ₹ 5000 as his Salary.

3. In the claim petition, the learned Tribunal held the accident to be caused solely due to the negligence of the truck driver, fixed liability on respondents No. 1 and 2 (driver and owner), with respondent No. 3 (Insurance Company) to pay and recover. However, it awarded only Rs. 2,50,000/- without applying the structured formula for compensation, apportioning it as Rs. 1,25,000/- to the widow and Rs. 62,500/- each to the parents, with 9% interest from the date of the petition.

CONTENTIONS

4. The learned counsel for the appellant have assailed the award primarily on the ground that the compensation is grossly inadequate. It is contended that the deceased's income, age, and the dependency of the family were not properly considered, leading to an arbitrary lump-sum award. Even otherwise, having regard to the year of accident and avocation, it is also urged that the compensation to be aligned with the settled principles of the law. Therefore, the learned counsel sought an increase in the quantum of award.

OBSERVATIONS AND FINDING

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



6. 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. Accordingly, the driver, owner, and insurer of the offending vehicle were held jointly and severally liable to pay compensation to the claimants. However, the learned Tribunal's approach in awarding a lump-sum amount of Rs. 2,50,000/- without applying the established multiplier method 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. Even though the accident occurred in 1996 and the award was passed in 2001, subsequent judicial developments would have to be applied for enhancement in appeals retrospectively to pending matters.

7. Hence, the compensation awarded by the learned Tribunal does not fully reflect the settled principles of law and therefore calls for reassessment by this Court. It is admitted that the deceased was **35 years** of age at the time of death, as established from the post-mortem report (**Ex. P2**) placed on record. Further, the claimants had asserted that the deceased was employed as a driver with PRTC and drawing the monthly salary of ₹5,000/-. However, as per the salary certificate (**Ex. P3**), the monthly net income drawn by the deceased was ₹3,709/- (annual income ₹44,508/-). In line with *National Insurance Company Limited v. Pranay Sethi, 2017 (16) SCC 680*, a 50% addition is to be made towards future prospects in the case of persons in permanent employment below 40 years of age. The annual income thus works out to ₹66,762/-. After a deduction of 1/3rd towards personal expenses (considering three dependents),



the annual loss of dependency amounts to ₹44,508/-. Applying a multiplier of 16 as per the table in *Sarla Verma v. Delhi Transport Corporation, 2009 (6) SCC 121* (appropriate for age 36), the loss of dependency comes to ₹7,12,128/-. Under the conventional heads, following *Pranay Sethi (supra)*, ₹15,000/- is awarded towards loss of estate and ₹15,000/- towards funeral expenses. Lastly, the claimant/appellant widow is entitled to spousal consortium of ₹40,000/- in line with *Pranay Sethi (supra)*, and ₹40,000/- each to parents of deceased as parental Consortium as per the *Magma General Insurance Co. Ltd. vs. Nanu Ram alias Chuhru Ram, 2019(18) SCC 130*. Therefore, the total compensation works out to ₹8,62,128/-.

COMPARATIVE COMPUTATION

Particulars	Tribunal Award (₹)	Reassessed Award (₹)
Notional Monthly Income	3,709	3,709
Annual Income	x	44,508
Future Prospects (50%)	x	22,254
Total Annual Income	x	66,762
Deduction 1/3rd For Personal Expenses (3 Dependents)	x	22,254
Annual Contribution To Family	x	44,508
Multiplier (age 35 yrs)	x	16
Loss Of Dependency	x	7,12,128 (44,508 × 16)
Spousal Consortium	x	40,000
Parental Consortium	x	80,000 (40,000 × 2)
Loss Of Estate	x	15,000
Funeral Expenses	x	15,000
Total	₹ 2,50,000	₹ 8,62,128



8. The appeal is accordingly allowed. The impugned award is modified to the above extent. The claimants shall be entitled to ₹8,62,128 along with interest at rate of 9% per annum from the date of filing of the claim petition till realisation. The apportionment and manner of disbursement shall remain as directed by the learned Tribunal.

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

25.09.2025
Saurav Pathania

(VIRINDER AGGARWAL)
JUDGE

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