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

**Reserved on: 11.12.2025
Pronounced on: 15.12.2025
Uploaded on: 15.12.2025**

1. FAO No.2979 of 2002 (O&M)

KANWAR PREET SINGH AND OTHERS … APPELLANTS

VERSUS

PUNJAB STATE AND ANOTHER … RESPONDENTS

AND

2. FAO No. 2980 of 2002 (O&M)

KANWAR PREET SINGH AND OTHERS … APPELLANTS

VERSUS

PUNJAB STATE AND ANOTHER … RESPONDENTS

AND

3. FAO No. 2981 of 2002 (O&M)

JUGAL MAHAJAN AND OTHERS … APPELLANTS

VERSUS

PUNJAB STATE AND ANOTHER … RESPONDENTS

AND

4. FAO No. 2982 of 2002 (O&M)

MOHAN LAL MAHAJAN AND OTHERS … APPELLANTS

VERSUS

PUNJAB STATE AND ANOTHER … RESPONDENTS

AND

5. FAO No. 2983 of 2002 (O&M)

RATTAN KAUR AND OTHERS … APPELLANTS

VERSUS

PUNJAB STATE AND ANOTHER … RESPONDENTS

AND

6. FAO No. 2984 of 2002 (O&M)

JUGAL MAHAJAN AND OTHERS … APPELLANTS

VERSUS

PUNJAB STATE AND ANOTHER … RESPONDENTS

AND

7. FAO No. 2985 of 2002 (O&M)

SAROJ RANI AND OTHERS … APPELLANTS

VERSUS

PUNJAB STATE AND ANOTHER … RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Ekta Thakur, Advocate with
Mr. Shikha, Advocate and
Mr. Sakshi, Advocate
for the Appellants in all the **FAOs.**

Mr. I.S.Kingra, Senior DAG, Punjab**.**

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VIRINDER AGGARWAL,J.

1. These seven appeals arise out of a common award dated 08.02.2002 passed by the Motor Accident Claims Tribunal, Chandigarh, 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 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 14.05.2000, a road accident occurred due to right front tyre burst of Punjab Roadways bus bearing registration No. PB-02-S-9914 driven rashly and negligently by the Rohan Lal driver which was carrying the deceased persons and fell into Sirhind Canal from bridge near Head Works, Ropar. As a result of the accident, several passengers washed away in stormy water and died. The appellants, being the legal heirs/dependants of the deceased filed separate claim petitions before the

learned Tribunal seeking compensation on account of loss of life, dependency, medical expenses, pain and suffering, and other heads. The respondents, including the driver, owner, and insurer of the offending vehicle were arrayed as parties. It was alleged that the accident was caused solely due to the rash and negligent driving of the driver of the offending vehicle. The learned Tribunal, after appreciating the material on record, passed the common award dated 08.02.2002.

3. The learned Tribunal, vide its award dated 08.02.2002, held that the accident occurred due to the sole negligence of the driver of the offending bus. On the aspect of quantum, the learned Tribunal assessed the compensation under various heads, including loss of dependency (applying a multiplier based on the age and income of the deceased), funeral expenses, loss of consortium. The learned Tribunal in each petition awarded compensation amounts to claimants along with interest at the rate of 9% per from the date of filing the petitions till realization. The liability was fastened on the respondents to indemnify the award amount.

<u>CONTENTIONS</u>

4. 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 case. It was thus urged that the award

warrants enhancement to ensure fair and reasonable compensation to the claimants.

5. Per Contra, the Learned State counsel, 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 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

6. 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.

7. 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. 2979 of 2002 (Death Case of Swaran Singh)

Particulars	**Awarded by Tribunal (₹)**	**Reassessed Award (₹)**
Monthly Income	5,000/-	**12,600/-** **(As per Salary Certificate Ex,P1)**
Income With Future Prospects **(30%)**	x	**16,380/-**
Income After Deduction **(4 Dependents)**	x	**10,920/-** **(1/3rd For Personal Expenses)**
Annual Contribution To Family	60,000/-	**1,31,040/-** **(10,920 x 12)**
Multiplier **(age 45 yrs)**	10	**14**
Loss Of Dependency	6,00,000/-	**18,34,560/-** **(1,31,040 × 14)**
Parental Consortium **(2 Children)**	x	**80,000/-**
Filial Consortium **(Parents)**	x	**80,000/-**
Loss Of Estate	x	**15,000/-**
Funeral Expenses	x	**15,000/-**
Total Compensation	6,00,000/-	**₹20,24,560/-**

<u>(ii). FAO No. 2980 of 2002</u> - (Death Case of Gurmit Kaur)

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	9,000/-	**9,000/-** **(Salary)**
Income With Future Prospects **(30%)**	x	**11,700/-**
Income After Deduction **(2 Dependents – 2 Sons)**	3,000/- **(1/3rd For Personal Expenses)**	**7,800/-** **(1/3rd For Personal Expenses)**
Annual Contribution To Family	72,000/-	**93,600/-** **(7,500 x 12)**
Multiplier **(age 40 yrs)**	16	**15**
Loss Of Dependency	11,52,000/-	**14,04,000/-** **(93,600 × 15)**
Parental Consortium **(2 Children)**	x	**80,000/-**
Loss Of Estate	x	**15,000/-**
Funeral Expenses	x	**15,000/-**
Total Compensation	11,52,000/-	**₹15,14,000/-**

<u>(iii). FAO No. 2981 of 2002</u> (Death Case of Konal Mahajan - 7 Year Old)

8. Having regard to the law declared by the Hon'ble Supreme Court in ***Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari*, 2025 INSC 1070, *Kajal v. Jagdish Chand*, 2020 (4) SCC 413, and *Baby Sakshi Greola v. Manzoor Ahmad Simon,* 2024 SCC OnLine SC 3692**, it stands settled that in cases involving a **minor child**, the assessment of loss of income cannot proceed on the footing that the child was a non-earning person. The notional income must be determined by adopting, at the very least, the minimum wages notified for a skilled worker in the State for the relevant period. Accordingly, the

minor's income is required to be taken as per the minimum wages applicable to skilled labour at the time of the accident i.e. Rs. 3000/- Per Month.

Particulars	**Awarded by Tribunal (₹)**	**Reassessed Award (₹)**
Monthly Income	x	**3,000/-** **(Minimum wages as skilled Worker)**
Income With Future Prospects **(40%)**	x	**4,200/-**
Income After Deduction (Unmarried)	x	**2,100/-** **(1/2th For Personal Expenses)**
Annual Contribution To Family	x	**25,200/-** **(2,100 x 12)**
Multiplier **(age 38 yrs)**	x	**15**
Loss Of Dependency	x	**3,78,000/-** **(25,200 × 15)**
Filial Consortium **(Father)**	80,000/-	**40,000/-**
Loss Of Estate	x	**15,000/-**
Funeral Expenses	x	**15,000/-**
Total Compensation	80,000/-	**₹4,48,000/-**

<u>(iv). FAO No. 2982 of 2002</u> (Death Case of Sureshta Mahajan)

Particulars	**Awarded by Tribunal (₹)**	**Reassessed Award (₹)**
Monthly Income	1,000/-	**2,000/-** **(Minimum wages as Unskilled Worker)**
Income With Future Prospects **(25%)**	x	**2,500/-**
Income After Deduction **(5 Dependents)**	x	**1,875/-** **(1/4th For Personal Expenses)**
Annual Contribution To Family	12,000/-	**22,500/-** **(1,875 x 12)**

Multiplier **(age 49 yrs)**	16	**13**
Loss Of Dependency	1,92,000/-	**2,92,500/-** **(22,500 × 13)**
Spousal Consortium	x	**40,000/-**
Parental Consortium **(4 Children)**	x	**1,60,000/-**
Loss Of Estate	x	**15,000/-**
Funeral Expenses	x	**15,000/-**
Total Compensation	1,92,000/-	**₹5,22,500/-**

(v). FAO No. 2983 of 2002 (Death Case of Kartar Singh)

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	8,000/-	**12,221/-** **(As per Salary Certificate Ex,P5)**
Income With Future Prospects **(15%)**	x	**14,054/-**
Income After Deduction **(4 Dependents)**	x	**10,541/-** **(1/4th For Personal Expenses)**
Annual Contribution To Family	96,000/-	**1,26,492/-** **(10,541 x 12)**
Multiplier **(age 58 yrs)**	2	**9**
Loss Of Dependency	1,92,000/-	**11,38,428/-** **(1,26,492× 9)**
Spousal Consortium	x	**40,000/-**
Parental Consortium **(3 Children)**	x	**1,20,000/-**
Loss Of Estate	x	**15,000/-**
Funeral Expenses	x-	**15,000/-**
Total Compensation	1,92,000/-	**₹13,28,428/-**

(vi). FAO No. 2984 of 2002 (Death Case of Savita Mahajan)

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	1,000/-	**2,000/-** **(Minimum wages as Unskilled Worker)**
Income With Future Prospects **(40%)**	x	**2,800/-**
Income After Deduction **(2 Dependents – Husband & Daughter)**	x	**1,867/-** **(1/3rd For Personal Expenses)**
Annual Contribution To Family	12,000/-	**22,404/-** **(2,800 x 12)**
Multiplier **(age 29 yrs)**	16	**17**
Loss Of Dependency	1,92,000/-	**3,80,868/-** **(22,404 × 17)**
Spousal Consortium	x	**40,000/-**
Parental Consortium **(1 Child)**	x	**40,000/-**
Loss Of Estate	x	**15,000/-**
Funeral Expenses	x	**15,000/-**
Total Compensation	1,92,000/-	**₹4,90,868/-**

(vii). FAO No. 2985 of 2002 (Death Case of Sukhdev Singh)

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	5,132/-	**5,132/-** **(As per Salary Certificate Ex,P12)**
Income With Future Prospects **(50%)**	x	**7,698/-**
Income After Deduction **(4 Dependents)**	4,000/-	**5,774/-** **(1/4th For Personal Expenses)**
Annual Contribution To Family	48,000/-	**69,288/-** **(5,774 x 12)**

Multiplier **(age 27 yrs)**	x	**17**
Loss Of Dependency	48,000/-	**11,77,692/-** **(69,288 × 17)**
Spousal Consortium	x	**40,000/-**
Parental Consortium (1 Child)	x	**40,000/-**
Filial Consortium	x	**80,000/-**
Loss Of Estate	x	**15,000/-**
Funeral Expenses	x	**15,000/-**
Total Compensation	7,68,000/-	**₹13,67,692/-**

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

FAO No.	Awarded by Tribunal (₹)	Re-assessed (₹)
2979/2002	6,00,000/-	**₹20,24,560/-**
2980/2002	11,52,000/-	**₹15,14,000/-**
2981/2002	80,000/-	**₹4,48,000/-**
2982/2002	1,92,000/-	**₹5,22,500/-**
2983/2002	1,92,000/-	**₹13,28,428/-**
2984/2002	1,92,000/-	**₹4,90,868/-**
2985/2002	7,68,000/-	**₹13,67,692/-**

10. In the light of the above discussion and the computation undertaken hereinabove, all the present appeals are partly **allowed** to the extent of enhancement of compensation as reassessed in each individual case. 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.

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

12. A photocopy of this order be placed on the file of the connected case.

(VIRINDER AGGARWAL)
JUDGE

15.12.2025
Saurav Pathania

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