



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

(226)

**FAO-1989-2002(O&M)
Date of Decision-11.12.2025**

SHANTI DEVI AND OTHER**... APPELLANTS****VERSUS****VINOD KUMAR AND OTHERS****... RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Kulvir Narwal, Advocate
Mr. Perna Aggarwal, Advocate
for appellants.

Mr. Neeraj Khanna, Advocate,
Mr. Ravinder Arora, Advocate
for respondent No.2.

VIRINDER AGGARWAL, J.(ORAL)

1. This appeal has been preferred by the claimants seeking enhancement of compensation awarded vide award dated 09.01.2002 passed by the Motor Accident Claims Tribunal, Sonapat, whereby the compensation of ₹9,41,000/- along with interest at 9% per annum was granted on account of death of Randhir Singh in a motor vehicular accident that took place on 17.08.2000.

BACKGROUND FACTS

2. The brief facts of the case are that on 17.08.2000, Randhir Singh, aged about 47 years and serving as an Assistant Sub-Inspector in the Haryana Police, was on duty and standing on the side of G.T. Road, when a Tata-709 vehicle bearing registration No. (HR-07-GA-0243), being driven by respondent No.1 (Vinod Kumar) in a rash and negligent manner, overturned and fell upon him. Constable Nand, who was also present, sustained injuries. Randhir Singh died at the spot on account of the injuries suffered in the accident. FIR was



registered against respondent No.1 under Sections 279 and 304-A IPC at Police Station Murthal. Accordingly, a claim petition under Section 166 of the Motor Vehicles Act, 1988 was instituted by the claimants, seeking compensation of ₹20,00,000/- on account of the death of Randhir Singh.

3. Upon appraisal of the oral and documentary evidence, the learned Tribunal held that the death of Randhir Singh was the result of the rash and negligent driving of the Tata-709 vehicle bearing registration No. (HR-07-GA-0243) by respondent No.1. The finding was primarily based on the testimony of Constable Nand (PW-3), an injured eye-witness, whose version of the occurrence withstood cross-examination, and was supported by the copy of FIR (Ex. P2) registered against respondent No.1. Further, The learned Tribunal also drew an adverse inference from the fact that the driver chose not to enter the witness box to rebut the allegations. For assessing compensation, the learned Tribunal accepted the service record provided through (PW-2), showing the deceased's monthly salary as ₹9,441. After deducting one-third towards personal expenses, the annual loss of dependency was calculated at ₹72,000. Considering the deceased's age of 47 years, a multiplier of 13 was applied, resulting in a loss of dependency of ₹9,36,000. Further, an amount of ₹5,000 was awarded towards loss of consortium and last rites. In all, the learned Tribunal determined the compensation payable to the claimants at ₹9,41,000/-, with interest at 9% per annum

CONTENTIONS

4. Learned counsel for the appellants submitted that the compensation determined by the learned Tribunal is manifestly inadequate and contrary to the settled principles governing the assessment of just compensation. It was argued that the sums awarded towards loss of consortium and last rites are



unrealistically low and that the learned Tribunal omitted to grant compensation under other mandatory conventional heads. Learned counsel further contended that no addition towards future prospects was made and that the deduction of one-third for personal expenses was unjustified in the facts of the case. It was, therefore, urged that the award deserves enhancement to secure fair and reasonable compensation for the claimants.

5. Learned counsel for respondents 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 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 the appeal pertains to the reassessment of the quantum of compensation. The reassessment in the present appeal is, therefore, undertaken as under:

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 matter, 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 is structured as under:

REASSESSED COMPUTATION

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	9,441/-	9441/-
Income With Future Prospects (30%)	x	12,274/- (9,441 + 2,833)
Deduction	3,441/- (1/3rd for Personal Expenses)	3,069/- (1/4th for personal expenses)
Annual Contribution To Family	72,000/- (6,000 x 12)	1,10,460/- (9,205 x 12)
Multiplier (age 47 yrs)	13	13
Loss Of Dependency	9,36,000	14,35,980/- (1,10,460 × 13)
Spousal Consortium	5,000	40,000/-
Parental Consortium		1,20,000/- (40,000 × 3)
Filial Consortium		80,000/- (40,000 × 2)
Loss Of Estate		15,000/-
Funeral Expenses		15,000/-
Total	9,41,000/-	₹17,05,980/-

8. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹9,41,000/- to ₹17,05,980/-. The enhanced amount shall carry the 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.

9. 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.

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

11.12.2025
Saurav Pathania

(VIRINDER AGGARWAL)
JUDGE

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