



FAO-2468-2003

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

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FAO-2468-2003

Date of decision :07.11.2025

SURESH DEVI AND OTHERS**... APPELLANTS****VERSUS****STATE OF HARYANA AND OTHERS****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Mr. Abhinav Kansal, Advocate for
Mr. Ashit Malik, Advocate
for the appellants.

Mr. Abhinav Mahant, AAG, Haryana.

Mr. Rajesh Kumar Jangra, Advocate
for respondent No. 3.

Mr. V.K. Garg, Advocate
for respondent No.4-Insurance Company.

PARMOD GOYAL, J. (ORAL)

1. Claimants-appellants have preferred the present appeal being the wife and minor children of the deceased, Mahabir Singh (hereinafter referred to as the “Deceased”), who died in a road accident which took place on 26.05.2000, on account of rash and negligent driving by Respondent No. 3 while driving bus bearing registration No. HR-45-2964.

2. Being aggrieved by the impugned award dated 31.03.2003 passed by the Motor Accident Claims Tribunal, Panipat (hereinafter referred to as “Tribunal”), vide which the appellants were found entitled to total compensation of Rs 3,70,000/-, the claimants-appellants are seeking enhancement of compensation awarded by the Tribunal as the same is not according to their



entitlement.

3. 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.

4. The Tribunal in the present case has awarded the following compensation:

Income	Rs.3,000 per month	Rs. 3,000/- per month
Deduction	1/3rd	1/3rd
Multiplier	15	15
Total Loss of Dependency	Rs. 2,000 x 15 x 12	Rs.3,60,000/-
Funeral Expenses		Rs.10,000/-
Total Compensation awarded		Rs. 3,70,000/-

5. Claimants-appellants are mainly aggrieved by wrong application of deduction towards personal expenses, non – grant of consortium to all the claimants-appellants and non-grant of future prospects while calculating loss of dependency. Claimants-appellants are also aggrieved by the non-grant of appropriate compensation under the heads of funeral expenses and loss of estate.

6. Learned Tribunal has assessed the income of the deceased to be Rs. 3,000/- per month. No fault with determination of income of deceased can be found. No evidence of employment or payment of salary was adduced. From evidence led by claimants-appellants only conclusion which could be drawn was that deceased was working as Security Guard having licensed gun. No proof of



alleged salary was, however, placed except for oral assertions which cannot be taken to be correct in absence of any documentary evidence. Minimum wages were around Rs. 2,000/- in the year 2000. Therefore, it was incumbent for claimants-appellants to prove income of deceased as Rs. 5,000/- (as claimed by claimants) by reliable evidence, which they have failed. Learned Tribunal taking into consideration that deceased was licensed holder of gun had already taken income of deceased to be Rs. 3,000/- which is much higher than minimum wages payable to even skilled worker. Income so determined is upheld. Admittedly, deceased was aged 43 years as per school leaving certificate. Deceased was survived by his wife and minor children i.e claimants/ appellants No. 1 to 3.

7. In the present case, learned Tribunal has applied multiplier of 15 after making deduction of 1/3rd towards personal expenses. I find merit in the contentions raised on by behalf of the claimants-appellants that learned Tribunal has failed to take into consideration future prospects while calculating loss of dependency. Claimants/appellants are entitled to addition of future prospects to the extent of 25% in terms of judgment of Hon'ble Supreme Court in ***National Insurance Company Ltd. Vs Pranay Sethi & Ors***, 2017 (16) SCC 680. Since the age of the deceased was 43 years as per school leaving certificate, multiplier of '14' ought to be applied. 25 % towards future prospects ought to be added to the monthly income of the deceased. Claimants-appellants shall also be entitled to compensation of Rs 7,500/- towards funeral expenses, loss of estate each and Rs.15,000/- to each of the claimants-appellants towards spousal and parental consortium.

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



Income	Rs 3,000/- per month (as taken by the tribunal)	Rs 3,000/- per month
Future Prospects	25 %	
(Rs.3,000 + 750)	Rs.3,750/-	
Deduction	1/3rd	
(Rs.3,750-1250)	Rs. 2,500/-	
Multiplier	14	14
Total loss of dependency	Rs.2,500 X14X12	Rs. 4,20,000/-
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/-
Total Compensation awarded in appeal		Rs. 4,80,000/-
Total Compensation awarded by the Tribunal	Rs.3,70,000/-	
Enhanced amount of compensation	Rs 4,80,000/- (as awarded in appeal) – Rs 3,70,000/- (as awarded by the Tribunal)	Rs. 1,10,000/-

9. Claimants-appellants shall also be entitled to interest @ 7.5% on the enhanced compensation from the date of filing of claim petition till realization. Apportionment and liability of respondents to pay compensation shall be as per the award.
10. 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



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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.

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

07.11.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No