



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

Date of decision : 13.02.2025

1. FAO-2436-1999

Jaswinder Kaur etc.

..... Appellants

versus

Punjab Roadways Etc.

..... Respondents

2. FAO-2437-1999

Paramdeep Singh @ Paramjit Sin

..... Appellant

versus

Punjab Roadways Etc.

..... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. P.P.S. Brar (Jhakharwala), Advocate
for the appellants.

Mr. Malkit Singh Dhillon, DAG, Punjab.

PANKAJ JAIN, J. (Oral)

1. These are two appeals arising out of a common award passed by Motor Accidents Claim Tribunal, Faridkot (in short 'MACT Faridkot').

2. Claimants are in appeal seeking enhancement of compensation and modification of the award dated 06.04.1999 passed by MACT, Faridkot granting them compensation of Rs.1,56,000/- under Section 140 of the Motor Vehicles Act, 1988.

3. On 16.02.1997, deceased Jasbir Singh alongwith other family members was returning from Ludhiana on jeep bearing



No.PB-03B-7421. Jasbir Singh-deceased was driving jeep when a bus of Punjab Roadways bearing registration No.PB-12B-9501 struck against the jeep which led to death of Jasbir Singh on the spot.

4. Tribunal while holding driver of the bus negligent, rash and responsible for the accident held claimants entitled for compensation. It was held by the Tribunal that in the absence of any documentary evidence, deceased who was working as an agriculturist and was doing farming, can be said to be earning Rs.1500/- per month. 1/3rd deduction was applied. Multiplier of 13 was granted and the compensation of Rs.1,56,000/- was ordered to be paid to the claimants.

5. In the considered opinion of this Court, the compensation needs to be re-assessed. The income has been rightly assessed by the Tribunal @ Rs.1500/- which calls for no interference. Tribunal erred in applying deduction of 1/3. The same is modified to 1/4 to calculate dependency. In view of ratio of law laid down by Supreme Court in the case of ***National Insurance Company Limited vs. Pranay Sethi and others***, (2017) 16 SCC 680, 30% of future prospects further need to be added. Age of the deceased has been proved to be 38 years at the time of death. Multiplier of 13 has been wrongly applied. The same needs to be enhanced to 15. The four claimants are also entitled for Rs.48,000/- each on account of loss of consortium. Rs.18,000/- need to be paid under the heads of loss of estate and funeral expenses.



6. With the aforesaid modifications, the present appeal is disposed off.
7. A photocopy of this order be placed on the file of other connected case.

(PANKAJ JAIN)
JUDGE

13.02.2025
Dinesh

Whether speaking/reasoned :	Yes
Whether Reportable :	No