



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

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FAO- 3885 of 2001 (O&M)
Date of decision: 04.11.2025

Mumtaj and Others

... Appellants

Versus

Parshotam and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Sandeep Jasuja, Advocate
for the appellants.

PARMOD GOYAL, J.(Oral)

1. Claimants-appellants have preferred the present appeal being the wife and minor children of the deceased Sanes (hereinafter referred to as the '**deceased**'), who died in a road accident which took place on 10.05.2000, on account of rash and negligent driving by Respondent No.2 while driving truck (hereinafter referred to as '**offending vehicle**') bearing registration No.HR-30-0925. The offending vehicle coming from the kacha portion of the road struck against the deceased and crushed the deceased. An FIR No. 133 dated 10.05.2000 u/s 279, 304-A IPC was registered with Police Station, Sohna.
2. Being aggrieved by the impugned award dated 12.06.2001 passed by the Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as '**Tribunal**'), vide which the appellants were found entitled to total compensation of Rs.2,35,000/-, the appellants are seeking enhancement of compensation awarded by the Tribunal as the same is not according to their entitlement.

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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:-

Monthly Income	Rs.1,800/- p.m. (as per minimum wages prevalent at the time of accident)	Rs.1,800/- p.m.
Deduction	1/3 rd	Rs.1,200/-
Multiplier	16	16
Total Loss of Dependency	1,200 x 16 x 12	Rs.2,30,400/-
Funeral Expenses		Rs.4,600/-
Total Compensation awarded		Rs. 2,35,000/-

5. Claimants-appellants are mainly aggrieved by wrong application of deduction towards personal expenses, non-grant of future prospects and consortium, to all the claimants-appellants. Claimants-appellants are also aggrieved by the non-grant of compensation under the heads of funeral expenses and loss of estate.
6. Learned Tribunal has assessed the income of the deceased to be Rs.1,800/- per month on the basis of minimum wages prevalent at the time of the accident. There is no dispute about income taken by the learned Tribunal raised either by claimants-appellants or by the respondents. Admittedly, as per claim petition as well as per the post mortem report deceased was aged 27 years and is survived by

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his wife, three minor children and father i.e. claimants-appellants Nos.1 to 5.

7. In the present case, learned Tribunal has applied multiplier of 16 after making deduction of 1/3rd towards personal expenses. I find merit in the contentions raised on behalf of the appellants/claimants that learned Tribunal ought to have granted multiplier of '17' as deceased was 27 years as per the post mortem report in view of judgment of Hon'ble Supreme Court in ***Smt. Sarla Verma and Ors. Vs. Delhi Transport Corporation & Anr.***, 2009 (2) SCC (Civil) 770. It is also not in dispute that deceased is survived by five dependants and therefore, the learned Tribunal ought to have taken 1/4th deduction towards personal expenses. I also find that learned Tribunal has failed to take into consideration future prospects while calculating loss of dependency. Claimants-appellants are entitled to future prospects to the extent of 40% 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 27 years as per the post mortem report, multiplier of '17' ought to be applied. Deduction has to be made to the extent of 1/4th keeping in view number of dependants and 40 % towards future prospects has 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



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claimants-appellants towards spousal, parental and filial consortium.

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

Income	Rs.1,800/- per month (as per minimum wages)	Rs.1,800/- per month
Future Prospects	40 % (1800 + 720)	Rs.2,520/-
Deduction	1/4 th (2520-630)	Rs.1,890/-
Multiplier	17	17
Total loss of dependency	Rs.1,890 X 17 X 12	Rs.3,85,560
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 & 4	Rs.15,000 x 3	Rs.45,000/-
Loss of filial consortium to claimant no. 5		Rs.15,000/-
Total Compensation awarded in appeal		Rs.4,75,560/-
Total Compensation awarded by the Tribunal	Rs. 2,35,000/-	
Enhanced amount of compensation	Rs.4,75,560/- (as awarded in appeal) – Rs.2,35,000/- (as awarded by the Tribunal)	Rs. 2,40,560/-

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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 of compensation 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 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. Pending applications, if any, also stand disposed of.

04.11.2025

Chiranjeev

**(PARMOD GOYAL)
JUDGE**

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No