



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

(226)

FAO-3909-2001(O&M)**Date of Decision-10.12.2025**

Surinder Kaur And Other

...Appellants

Versus

The Ex. Serviceman Motor Transport Cooperative Society Ltd. Ropar & Others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Ms. Tanvi Aggarwal, Advocate
for appellants.

Mr. R.C. Kapoor, Advocate
for respondent No.3.

VIRINDER AGGARWAL, J.(ORAL)

1. This appeal has been preferred by the claimants seeking enhancement of compensation awarded vide award dated 03.10.2000 passed by the Motor Accident Claims Tribunal, Rupnagar, whereby the compensation of ₹1,72,800/- along with interest at 12% per annum was granted on account of death of Kirpal Singh in a motor vehicular accident that took place on 08.02.1998.

BACKGROUND FACTS

2. On 08.02.1998, Kirpal Singh was travelling as a pillion rider on a scooter driven by Rajinder Singh from village Ghataur towards Kharar when, near the petrol pump at Sahoran on the Ropar-Chandigarh Road, a bus bearing registration No. (PUR-8739) belonging to the Ex-Servicemen Motor Transport Co-operative Society Ltd., Ropar, and driven rashly and negligently by respondent No. 2, struck the scooter from behind without blowing horn. Kirpal



Singh sustained grievous injuries and succumbed to injuries on 10.02.1998 at PGI, Chandigarh. Accordingly, a claim petition under Section 166 of the Motor Vehicles Act, 1988 was instituted by the claimants, seeking compensation of ₹8,00,000/- on account of the death of Kirpal Singh.

3. Upon consideration of the oral and documentary evidence, the learned Tribunal held that the accident dated 08.02.1998, which resulted in the death of Kirpal Singh, was caused by the rash and negligent driving of bus No. (PUR-8739) by respondent No. 2. This conclusion was based on the consistent testimonies of Gursewak Singh (PW-2) and Rajinder Singh (PW-1), the injured eye-witness and scooter driver, which were further supported by the FIR (Ex. P-4/A) registered at Police Station Kharar and the post-mortem report (Ex. P-4). For computing compensation, the learned Tribunal, finding no reliable documentary proof of the deceased's earnings, assessed his income as that of an unskilled labourer at ₹1,800 per month. After deducting one-third towards personal expenses, the annual dependency was calculated at ₹14,400. Taking the deceased's age as 29 years, a multiplier of 12 was applied, yielding a loss of dependency of ₹1,72,800. The learned Tribunal thus awarded ₹1,72,800/- as compensation, with interest at 12% per annum.

CONTENTIONS

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 wrongly deducted one-third 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. Learned counsel for respondent No.3 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. The 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 is structured as under:

REASSESSED COMPUTATION

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	1800/-	2,000/-
Income With Future Prospects (40%)	x	2,800/-
Income After Deduction (6 Dependents)	1200 (1/3rd for Personal expenses)	2,100/- (1/4th for personal expenses)
Annual Contribution To Family	14,400/- (1200 x 12)	25,200/- (2,100 x 12)
Multiplier (age 29 yrs)	12	17
Loss Of Dependency	1,72,800	4,28,400/- (25,200 × 17)
Spousal Consortium	x	40,000/-
Parental Consortium (3 Children)	x	1,20,000/- (40,000 × 3)
Filial Consortium (Parents)	x	80,000/- (40,000 × 2)
Loss Of Estate	x	15,000/-
Funeral Expenses	x	15,000/-
Total	1,72,800/-	₹6,98,400/-

11. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹1,72,800/- to **₹6,98,400/-**. 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 all the respondents shall remain joint and several as held by the learned Tribunal.

12. 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.

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

10.12.2025
Saurav Pathania

(VIRINDER AGGARWAL)
JUDGE

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