



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

Reserved on: 05.12.2025
Pronounced on: 12.12.2025
Uploaded on: 15.12.2025

1. FAO No. 1596 of 2002 (O&M)

GURBACHAN KAUR AND OTHERS ... APPELLANTS

VERSUS

STATE OF HARYANA AND OTHERS ... RESPONDENTS

AND

2. FAO No. 1597 of 2002 (O&M)

AMANDEEP SINGH AND ANOTHER ... APPELLANTS

VERSUS

STATE OF HARYANA AND OTHERS ... RESPONDENTS

AND

3. FAO No. 1598 of 2002 (O&M)

AMANDEEP SINGH ... APPELLANT

VERSUS

STATE OF HARYANA AND OTHERS ... RESPONDENTS

AND

4. FAO No. 1599 of 2002 (O&M)

SURJIT KAUR AND OTHERS ... APPELLANTS

VERSUS

STATE OF HARYANA AND OTHERS ... RESPONDENTS



FAO No. 1596 of 2002 (O&M)
& 12 other connected FAOs

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AND

5. FAO No. 1600 of 2002 (O&M)

JOGINDER KAUR AND OTHERS ... APPELLANTS

VERSUS

STATE OF HARYANA AND OTHERS ... RESPONDENTS

AND

6. FAO No. 1601 of 2002 (O&M)

GAGANDEEP KAUR AND OTHERS ... APPELLANTS

VERSUS

STATE OF HARYANA AND OTHERS ... RESPONDENTS

AND

7. FAO No. 1602 of 2002 (O&M)

AMANDEEP SINGH AND OTHERS ... APPELLANTS

VERSUS

STATE OF HARYANA AND OTHERS ... RESPONDENTS

AND

8. FAO No. 1603 of 2002 (O&M)

HARBHAJAN KAUR AND ANOTHERS ... APPELLANTS

VERSUS

STATE OF HARYANA AND OTHERS ... RESPONDENTS

AND



9. FAO No. 1604 of 2002 (O&M)

SARABJIT SINGH ... APPELLANT

VERSUS

STATE OF HARYANA AND OTHERS ... RESPONDENTS

AND

10. FAO No. 1605 of 2002 (O&M)

JOGINDER SINGH(SINCE DECEASED) THROUGH LRs & ANOTHER
... APPELLANTS

VERSUS

STATE OF HARYANA AND OTHERS ... RESPONDENTS

AND

11. FAO No. 1606 of 2002 (O&M)

MOHINDER KAUR AND OTHERS ... APPELLANTS

VERSUS

STATE OF HARYANA AND OTHERS ... RESPONDENTS

AND

12. FAO No. 1607 of 2002 (O&M)

SURJIT KAUR AND OTHERS ... APPELLANTS

VERSUS

STATE OF HARYANA AND OTHERS ... RESPONDENTS

AND

**13. FAO No. 524 of 2003 (O&M)**

AMANDEEP SINGH AND ANOTHER

... APPELLANTS

VERSUS

STATE OF HARYANA AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Vivek Suri, Advocate with
Mr. Kritika Sharma, Advocate
for the Appellants in all the FAOs

Mr. Manish Dadwal, DAG, Haryana.

VIRINDER AGGARWAL, J.

1. The present bunch of FAOs has been preferred under Section 173 of the Motor Vehicles Act, 1988, laying challenge to common award dated 21.01.2000 passed by the learned Motor Accident Claims Tribunal, Patiala, whereby compensation has been granted in consequence of the same motor vehicular accident. Since common questions of fact and law arise for consideration and the accident is same, all these appeals are being decided together by this common order.

BACKGROUND FACTS

2. The facts emerging from the record indicate that all the present appeals arise out of a singular motor vehicular accident which occurred on 09.09.1996 during night hours involving Trax Jeep bearing no. DL-1CD-6231 driven by one Samitter Singh and Haryana Roadways Bus bearing registration No. HR-37-37-1166 driven by the respondent no. 3 namely Bal Krishan. The bus, was being driven in very rash and negligent manner. Respondent No.3 brought bus



on wrong side of the road and struck in Trax Jeep driven by Sammitter Singh on very slow speed, resulting in death of 10 persons including 2 Minors and injuries to three persons including two minors, many of whom belonged to the same extended family who were the travelling in the Trax Jeep. The FIR no. 61 dated 10.09.1996 promptly registered after the incident specifically attributes the occurrence to rash and negligent driving of the driver of the said bus. The eye-witnesses, including Amrik Singh, Manjit Singh and Ajit Singh, who were examined during the proceedings, deposed in a consistent manner that the bus was being driven in a rash, negligent and uncontrolled manner and, without taking due care, dashed against the victims' vehicle. The immediate aftermath reflects that while some victims died at the spot or on being shifted to the medical facility, others sustained grievous injuries necessitating prolonged treatment, hospitalisation and surgical intervention.

3. Consequent upon the accident, numerous claim petitions came to be filed under Section 166 of the Motor Vehicles Act before the learned Motor Accident Claims Tribunal, Patiala, seeking compensation under various heads such as loss of dependency, consortium, medical expenditure, funeral charges, special diet, attendant charges and loss of income. The learned Tribunal clubbed the petitions, noticing that all claims pertained to the same accident, and proceeded to record common evidence on issues of negligence and liability, while separate evidence was considered regarding age, income, treatment and quantum of compensation in each individual petition. During the proceedings, oral and documentary evidence was adduced by the parties. The claimants produced the FIR, post-mortem reports, medical documents, discharge summaries and, in some cases, proof of occupation. The respondents filed written statements



disputing the manner of accident and, at places, suggested contributory negligence or involvement of some unidentified vehicle. The learned Tribunal framed issues concerning negligence of the driver of the offending bus, entitlement of the claimants and quantum of compensation, and proceeded to return findings after appreciating evidence in each file.

4. Upon consideration, the learned Tribunal concluded that the accident had occurred on account of rash and negligent driving of the Haryana Roadways bus bearing registration no. HR-37-1166 and accordingly fixed liability upon the respondents. In computing compensation, the learned Tribunal found that although higher income was claimed in several petitions, cogent documentary proof of exact earnings was generally absent. The learned Tribunal, therefore, adopted a reasonable and pragmatic assessment keeping in view the occupation of the deceased, their age, number of dependants and the socio-economic circumstances proved on record. Multipliers were applied and funeral expenses were awarded. In cases involving minor children, the learned Tribunal adopted the statutorily recognised approach and directed protective investment of their respective shares. Likewise, in matters of grievous bodily injuries, compensations were granted for pain, suffering and hospitalisation. The learned Tribunal thus rendered awards in each petition based on uniform parameters, giving rise to the present set of appeals wherein enhancement of compensation is sought.

CONTENTIONS

5. Learned counsel for the appellants has argued that the income of the deceased/injured has been assessed on a considerably lower side and amounts under several conventional heads, namely loss of consortium, loss of estate,



funeral and transportation expenses, special diet, attendant charges, pain and suffering and loss of income during the period of hospitalisation have not been awarded or in some cases have been inadequately awarded. It is submitted that the evidence on record would justify higher assessment and, therefore, the award warrants enhancement.

6. Per Contra, the Learned State counsel, while supporting the impugned award, submits that the learned Tribunal has appreciated the evidence in its correct perspective and has passed the award strictly in accordance with law. It is argued that all relevant factors including age, occupation and dependency of the deceased/injured have been duly considered and the amounts awarded under various heads are just, proper and reasonable. It is further contended that no infirmity, perversity or misreading of evidence can be attributed to the conclusions arrived at by the learned Tribunal so as to warrant interference by this Court in exercise of appellate jurisdiction.

OBSERVATIONS AND FINDINGS

7. 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 all these appeals pertains to the reassessment of the quantum of compensation. The reassessment in each of the present appeals is, therefore, undertaken as under:

**(I) APPEALS IN DEATH CASES**

8. In so far as the death cases are concerned, 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. Since there is no proof of the deceased person's actual income, the income is to be assessed on the basis of minimum wages payable to an unskilled/manual labourer prevailing in the year 1996. However, the learned Tribunal assessed the monthly income at ₹3,000/-, which is higher than the then applicable minimum wages. Therefore, this Court retains ₹3,000/- per month as the notional income, as reducing the same would be to the detriment of the claimants.

(i). FAO No. 1596 of 2002 - (Death Case of Gurcharan Singh)



Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	3,000/-	3,000/-
Income With Future Prospects (10%)	x	3,300/-
Income After Deduction (3 Dependents)	2,000/- (1/3rd For Personal Expenses)	2,200/- (1/3rd For Personal Expenses)
Annual Contribution To Family	24,000/-	26,400/- (2,200 x 12)
Multiplier (age 56 yrs)	8	9
Loss Of Dependency	1,92,000/-	2,37,600/- (26,400 × 9)
Spousal Consortium	x	40,000/-
Parental Consortium (2 Children)	x	80,000/-
Loss Of Estate	x	15,000/-
Funeral Expenses	5,000/-	15,000/-
Total Compensation	1,97,000/-	₹3,87,600/-

(ii). FAO No. 1598 of 2002 (Death Case of Gulzar Singh)

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	3,000/-	3,000/-
Income With Future Prospects (40%)	x	4,200/-
Income After Deduction (3 Dependents)	2,000/- (1/3rd For Personal Expenses)	2,800/- (1/3rd For Personal Expenses)
Annual Contribution To Family	24,000/-	33,600/- (2,800 x 12)
Multiplier (age 38 yrs)	15	15
Loss Of Dependency	3,60,000/-	5,04,000/- (33,600 × 15)
Parental Consortium (2 Children)	x	80,000/-



Loss Of Estate	x	15,000/-
Funeral Expenses	5,000/-	15,000/-
Total Compensation	3,65,000/-	₹6,14,000/-

(iii). FAO No. 1599 of 2002 (Death Case of Pritam Singh)

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	3,000/-	3,000/-
Income With Future Prospects (10%)	x	3,300/-
Income After Deduction (4 Dependents)	2,000/- (1/3rd For Personal Expenses)	2,475/- (1/4th For Personal Expenses)
Annual Contribution To Family	24,000/-	29,700/- (2,475 x 12)
Multiplier (age 55 yrs)	10	11
Loss Of Dependency	2,45,000/-	3,26,700/- (29,700 × 11)
Spousal Consortium	x	40,000/-
Parental Consortium	x	1,20,000/- (3 Children)
Loss Of Estate	x	15,000/-
Funeral Expenses	5,000/-	15,000/-
Total Compensation	2,45,000/-	₹5,16,700/-

(iv). FAO No. 1600 of 2002 (Death Case of Gurdeep Singh)

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	3,000/-	3,000/-
Income With Future Prospects	x	3,300/-



(10%)		
Income After Deduction (4 Dependents)	2,000/- (1/3rd For Personal Expenses)	2,475/- (1/4th For Personal Expenses)
Annual Contribution To Family	24,000/-	29,700/- (2,475 x 12)
Multiplier (age 52 yrs)	10	1
Loss Of Dependency	2,45,000/-	3,26,700/- (29,700 × 11)
Spousal Consortium	x	40,000/-
Parental Consortium (3 Children)	x	1,20,000/-
Loss Of Estate	x	15,000/-
Funeral Expenses	5,000/-	15,000/-
Total Compensation	2,45,000/-	₹5,16,700/-

(v). FAO No. 1602 of 2002 (Death Case of Rajwant Kaur)

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	1,500/-	3,000/-
Income With Future Prospects (40%)	x	4,200/-
Income After Deduction (2 Dependents)	x	2,800/- (1/3rd For Personal Expenses)
Annual Contribution To Family	18,000/-	33,600/- (2,800 x 12)
Multiplier (age 34 yrs)	15	16
Loss Of Dependency	2,70,000/-	5,37,600/- (33,600 × 16)
Parental Consortium (2 Children)	x	80,000/-
Loss Of Estate	x	15,000/-
Funeral Expenses	5,000/-	15,000/-
Total Compensation	2,75,000/-	₹6,47,600/-



(vi). FAO No. 1603 of 2002 (Death Case of Jaswant Singh)

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	3,000/-	3,000/-
Income With Future Prospects (40%)	x	4,200/-
Income After Deduction (2 Dependents)	2,000/- (1/3rd For Personal Expenses)	2,800/- (1/3rd For Personal Expenses)
Annual Contribution To Family	24,000/-	33,600/- (2,800 x 12)
Multiplier (age 35 yrs)	15	16
Loss Of Dependency	3,60,000/-	5,37,600/- (33,600 × 16)
Spousal Consortium	x	40,000/-
Parental Consortium (1 Child)	x	40,000/-
Loss Of Estate	x	15,000/-
Funeral Expenses	5,000/-	15,000/-
Total Compensation	3,65,000/-	₹6,47,600/-

(vii). FAO No. 1605 of 2002 (Death Case of Hurnam Kaur)

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	1,500/-	3,000/-
Income With Future Prospects (10%)	x	3,300/-
Income After Deduction (2 Dependents)	x	2,200/- (1/3rd For Personal Expenses)
Annual Contribution To Family	18,000/-	26,400/- (2,200 x 12)
Multiplier (age 60 yrs)	5	9
Loss Of Dependency	90,000/-	5,37,600/- (33,600 × 9)



Parental Consortium (2 Children)	x	80,000/-
Loss Of Estate	x	15,000/-
Funeral Expenses	5,000/-	15,000/-
Total Compensation	95,000/-	₹6,47,600/-

(viii). FAO No. 1606 of 2002 (Death Case of Avtar Singh)

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	3,000/-	3,000/-
Income With Future Prospects (25%)	x	3,750/-
Income After Deduction (5 Dependents)	2,000/- (1/3rd For Personal Expenses)	2,813/- (1/4th For Personal Expenses)
Annual Contribution To Family	24,000/-	33,756/- (2,813 x 12)
Multiplier (age 45 yrs)	15	14
Loss Of Dependency	2,88,000/-	4,72,584/- (33,756 × 14)
Spousal Consortium	x	40,000/-
Parental Consortium (4 Children)	x	1,60,000/-
Loss Of Estate	x	15,000/-
Funeral Expenses	5,000/-	15,000/-
Total Compensation	3,03,000/-	₹7,02,584/-

(II) APPEALS IN DEATH CASES OF MINORS

9. With regard to deaths to two minor children, the learned Tribunal awarded a lump sum amount of ₹50,000/-, as “no fault liability” compensation in two separate claim petitions, which, in the considered view of this Court, is



erroneous. As the accident has been proved to be occurred due to the rash and negligence of the vehicles then compensation should be awarded as per Section 166 of the Motor Vehicles Act. Thus, the deceased children, though not earning, they were aged about 6 and 10 years, representing the promise of a secure and meaningful contribution to their family in future. The emotional trauma and loss of affection cannot be compensated in monetary terms, yet the law recognizes such loss be attempted through taking loss of income and conventional amounts to ensure fairness.

10. Having regard to the law declared by the Hon'ble Supreme Court in *Hitesh Nagjibhai Patel v. Bababhai Nagjibhai Rabari*, 2025 INSC 1070, *Kajal v. Jagdish Chand*, 2020 (4) SCC 413, and *Baby Sakshi Greola v. Manzoor Ahmad Simon*, 2024 SCC OnLine SC 3692, it stands settled that in cases involving a **minor child**, the assessment of loss of income cannot proceed on the footing that the child was a non-earning person. The notional income must be determined by adopting, at the very least, the minimum wages notified for a skilled worker in the State for the relevant period. Accordingly, the minor's income is required to be taken as per the minimum wages applicable to skilled labour at the time of the accident i.e. ₹3000/- Per Month.

11. Further, in *National Insurance Co. Ltd. v. Pranay Sethi and others*, 2017 (16) SCC 680, and *Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram*, 2018 (18) SCC 130, the Hon'ble Supreme Court prescribed standard amounts for conventional heads such as loss of estate, funeral expenses, and consortium, including parental consortium in cases of loss of a child. Accordingly, the following computation is made:



(ix). FAO No. 1597 of 2002 - (Death Case of Minor Guddi- 6 Year Old)

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	x	3,000/- (Minimum wages as skilled Worker)
Income With Future Prospects (40%)	x	4,200/-
Income After Deduction (Unmarried)	x	2,100/- (1/2th For Personal Expenses)
Annual Contribution To Family	55,000/- (Lump-Sum)	25,200/- (2,100 x 12)
Multiplier (age 38 yrs)	x	15
Loss Of Dependency	x	3,78,000/- (25,200 × 15)
Consortium	x	x (Claimants are Siblings)
Loss Of Estate	x	15,000/-
Funeral Expenses	5,000	15,000/-
Total Compensation	55,000/-	₹4,08,000/-

(x). FAO No. 1607 of 2002 - (Death Case of Minor Kaka – 10 Year Old)

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	x	3,000/- (Minimum wages as skilled Worker)
Income With Future Prospects (40%)	x	4,200/-
Income After Deduction (Unmarried)	x	2,100/- (1/2th For Personal Expenses)
Annual Contribution To Family	55,000/- (Lump-Sum)	25,200/- (2,100 x 12)
Multiplier (age 38 yrs)	x	15



Loss Of Dependency	x	3,78,000/- (25,200 × 15)
Filial Consortium (Mother)	x	40,000/-
Loss Of Estate	x	15,000/-
Funeral Expenses	5,000/-	15,000/-
Total Compensation	55,000/-	₹4,48,000/-

(III) APPEALS IN INJURY CASES

12. In the injury cases, the amount of compensation has to be evaluated in accordance with the principles recognised in *Raj Kumar v. Ajay Kumar, (2011) 1 SCC 343*, wherein the Hon’ble Supreme Court has classified the heads of compensation separately for pecuniary and non-pecuniary damages, including medical expenses, loss of income during treatment, future loss of earning capacity, attendant charges, special diet, transportation, pain and suffering and loss of amenities. The quantum in each of such cases, therefore, warrants re-examination by considering the nature of injuries, duration of hospitalisation, permanent disability, if any, and other attending circumstances as reflected in the respective records.

(xi). FAO No. 1601 of 2002 (Injury Case of Gagandeep Kaur)

13. In the case of the minor injured claimant, keeping in view her age, the nature of injuries sustained, treatment, hospitalization and the consequent pain, suffering and emotional trauma due to injuries and the loss of her family members in the same accident, a reasonable enhancement under the pecuniary



and non-pecuniary heads is also warranted. The following compensation is to be reassessed:

Particulars	Awarded by Tribunal (₹)	Re-assessed (₹)
Pain and suffering	25,000/-	50,000/-
Medical expenses (past and future)		20,000/-
Transportation		5,000/-
Special diet		5,000/-
Loss of amenities		20,000/-
Total		1,00,000/-

(xii). FAO No. 1604 of 2002 (Injury Case of Sarabjit Singh)

14. It clearly emerges from the award and the medical evidence on record that Sarabjit Singh remained hospitalised for 7 days and had suffered multiple injuries including head injury, resulting in loss of vision in his left eye. The evidence of Dr. Rajiv, supported by Ex.A1 and Ex.A2, establishes that injured has suffered total optic atrophy of the left eye and, having regard to the consequent functional impairment. It further emerges from the record that the claimant was working as a carpenter, and, therefore, the loss of vision in one eye has a direct bearing on his earning capacity and future livelihood. In the absence of documentary proof of income and specific age in the record, the loss of future income due to permanent disability is required to be compensated on a lump-sum basis, keeping in view the nature of injury, his occupation and the degree of functional impairment resulting from the same. Accordingly, enhancement under the different heads is as following:



Particulars	Awarded by Tribunal (₹)	Re-assessed (₹)
Loss of left-eye/Permanent disability affecting future earning capacity	1,00,000/-	2,50,000/-
Pain and suffering	10,000/	50,000/-
Medical expenses (past and future)	15,000/-	20,000/-
Transportation	x	5,000/-
Attendant	x	10,000/-
Special diet	x	5,000/-
Loss of amenities	x	20,000/-
Total	1,25,000/-	3,60,000/-

(xiii). FAO No. 524 of 2003 (Injury Case of Amandeep Singh)

15. In the case of the minor injured claimant, keeping in view his age, the nature of injuries sustained, treatment, hospitalization and the consequent pain, suffering and emotional trauma due to injuries and the loss of his family members in the same accident, a reasonable enhancement under the pecuniary and non-pecuniary heads is also warranted. The following compensation is to be reassessed:

Particulars	Awarded by Tribunal (₹)	Re-assessed (₹)
Pain and suffering	25,000/-	50,000/-
Medical expenses (past and future)		20,000/-
Transportation		5,000/-
Special diet		5,000/-
Loss of amenities		20,000/-
Total		1,00,000/-



16. Accordingly, the cumulative result of all the connected FAOs is summarised as under:

FAO No.	Awarded by Tribunal (₹)	Re-assessed (₹)
1596/2002	1,97,000/-	3,87,600/-
1597/2002	55,000/-	4,08,000/-
1598/2002	3,65,000/-	6,14,000/-
1599/2002	2,45,000/-	5,16,700/-
1600/2002	2,45,000/-	5,16,700/-
1601/2002	25,000/-	1,00,000/-
1602/2002	2,75,000/-	6,47,600/-
1603/2002	3,65,000/-	6,47,600/-
1604/2002	1,25,000/-	3,60,000/-
1605/2002	95,000/-	6,47,600/-
1606/2002	3,03,000/-	7,02,584/-
1607/2002	55,000/-	4,48,000/-
524/2003	25,000/-	1,00,000/-

17. In the light of the above discussion and the computation undertaken hereinabove, all the present appeals are partly **allowed** to the extent of enhancement of compensation as reassessed in each individual case. The enhanced amount shall carry interest at rate of 7% per annum from the date of filing of the respective claim petitions till the realisation of the entire amount. Except for the modification of the quantum of compensation, all other findings recorded by the learned Tribunal, including those with regard to negligence, liability and mode of disbursement, shall stand affirmed.



FAO No. 1596 of 2002 (O&M)
& 12 other connected FAOs

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18. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.
19. A photocopy of this order be placed on the file of the connected case.

12.12.2025
Saurav Pathania

(VIRINDER AGGARWAL)
JUDGE

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