212 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4891-2003 (O&M)
Date of Decision: 31.10.2025

SMT. PARKAS KAUR

....Appellant

Versus

RANJIT SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Surjit Pal Singh, Advocate for the appellant.

Mr. Harjinder Singh, Advocate for respondent No.2.

Parmod Goyal, J. (Oral)

Present appeal has been preferred by the wife, minor children and parents of the deceased, Darshan Singh (hereinafter referred to as the "Deceased"), who died in a road accident which took place on 01.06.1999, on account of rash and negligent driving by Respondent No. 1 while driving jeep bearing registration No. RJ-18C-0569.

2. Being aggrieved by the impugned award dated 22.11.2002 passed by the Motor Accident Claims Tribunal, Sirsa (hereinafter referred to as "Tribunal"), vide which the appellants were found entitled to total compensation of Rs.1,92,000/- only. 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 had awarded the following compensation :-

Monthly Income	Rs. 2,000/- per month (as per minimum wages)	Rs. 24,000/- per annum
Deduction	1/3rd	Rs. 16,000/-
Multiplier	12	12
Total Loss of Dependency	Rs. 16,000 X 12	Rs. 1,92,000/-
Total Compensation awarded		Rs. 1,92,000/-

5. Learned Counsel for the claimants-appellants has not challenged the income of the deceased assessed, however, the amount awarded under multiplier is stated to be on lower side and that no addition has been made towards future prospects which ought to be 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 deceased was 40 years as per the postmortem report, multiplier of 15 ought to be applied as per the judgment of ***Smt. Sarla Verma and Others vs. Delhi Transport Corporation & Anr, 2009 (2) SCC (Civil) 770***.

6. *Per contra* Learned counsel for respondent No.3 Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and there is no scope of enhancement.

7. In the present case, learned Tribunal has applied multiplier of '12' after making deduction of 1/3rd towards personal expenses. I find merit in the contention raised on behalf of appellants/claimants that learned Tribunal ought to have granted multiplier of '15' as per judgment of Hon'ble Supreme Court in ***Sarla Verma Vs. Delhi Transport Corporation 2009***

Vol.III RCR (Civil) 77, as deceased was in the age group of 36-40. It is also not in dispute that deceased is survived by five dependents and, therefore, the learned Tribunal ought to have taken 1/4th 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 therefore, 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.*** Claimants/appellants are entitled to multiplier of '15'. Deduction has to be made to the extent of 1/4th keeping in view number of dependents and 40% towards future prospects has to be added to the monthly income of deceased. Claimants/appellants shall also be entitled to compensation of Rs.7,500/- towards funeral expenses, Rs.7,500/- towards loss of estate and Rs.15,000/- to each of the 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.2,000 (as per minimum wages)	Rs.24,000/- per annum
Future Prospects	40% (2,000 + 800)	Rs.2800/-
Deduction	1/4th (2,800 - 700)	Rs.2,100
Multiplier	15	15
Total loss of dependency	2,100 x 12 x 15	Rs.3,78,000/-
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 no. 2 & 3	Rs. 15,000/- x 2	Rs. 30,000/-
Loss of Filial consortium to claimant no. 3 & 4	Rs. 15,000/- x 2	Rs. 30,000/-
Total Compensation awarded in appeal		Rs. 4,68,000/-

Total Compensation awarded by the Tribunal		Rs. 1,92,000/-
Enhanced amount of compensation	Rs.4,68,000/- (awarded in appeal) – Rs.1,92,000/- (awarded by the Tribunal)	Rs. 2,76,000/-

9. In view of the above the present appeal is allowed and the award passed by the Tribunal is modified accordingly. The appellants are also entitled to interest @7.5% per annum from the date of filing of petition till realization on enhanced amount. Apportionment and liability of respondents to pay compensation shall be as per 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 eight 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.

(PARMOD GOYAL)
JUDGE

31.10.2025
chiranjeev

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No