



FAO No. 2294 of 2025 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO No. 2294 of 2025 (O&M)
Date of decision :12.11.2025

DHARAM SINGH AND ANOTHER

... APPELLANTS

VERSUS

IFFCO-TOKIO GENERAL INSURANCE COMPANY AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Aniket Singh Chauhan, Advocate
for the appellants.

PARMOD GOYAL, J.

CM-7331-CII-2025

This is an application for condonation of delay of 385 days in filing the present appeal.

For the reasons mentioned in the application, the same is allowed and the delay of 385 days in filing the present appeal, is hereby condoned.

Main Case

1. The claimants–appellants are aggrieved by the quantum of compensation awarded by the learned Motor Accident Claims Tribunal, Karnal (hereinafter referred to as “the Tribunal”) vide impugned order dated 14.12.2023. By the said order, the Tribunal awarded a total compensation of ₹21,81,696/- in favour of the claimants–appellants on account of the untimely death of Balvinder in a motor vehicular accident that occurred on 03.07.2020, caused due to the rash and negligent driving of car bearing registration no. HR-07K-0202 by respondent no. 1.



2. Insofar as the question of negligence is concerned, the same is not being disputed by the claimants–appellants. The present appeal has been filed only to challenge the quantum of compensation awarded by the learned Tribunal.

3. The claimants–appellants have sought a total compensation of ₹60,00,000/- on the ground that the deceased Balvinder was 32 years of age at the time of his death was earning ₹20,000/- per month from his tent business, however, the learned Tribunal did not accept the oral assertions of the claimants–appellants regarding the deceased income and assessed his earnings on the basis of minimum wages payable to a tent pitcher, while determining the award of compensation.

4. Learned counsel for the appellants-claimants has challenged the findings of the Tribunal regarding the income of the deceased. However, upon careful consideration, I do not find any error in the conclusion drawn by the learned Tribunal. It is worth noting that no documentary evidence was placed on record to substantiate the claim that the deceased was earning ₹20,000/- per month from his tent business, except for oral assertions by the appellants-claimants. The appellants-claimants did place on record photographs of the shop, which they claimed to be run by the deceased, but no documentary evidence regarding monthly income from said shop was produced.

5. The learned Tribunal, after taking oral evidence of the claimants–appellants, rightly concluded that at the most the deceased was running a tent business and, for computation of compensation, took his income as the minimum wages payable to a tent pitcher. The argument of learned counsel for the claimants–appellants that, since the deceased was working in the unorganized sector, oral evidence and photographs should have sufficed, is not persuasive.



6. It is well-settled that oral evidence regarding the income of a deceased, especially when working in the unorganized sector, can be considered by courts to determine loss of dependency. However, mere oral assertions, without corroboration, are not sufficient to conclude the income of the deceased. Such oral evidence must be reliable and inspire confidence. In the present case, oral evidence was not supported by any documentation reflecting the deceased lifestyle, ownership of property, business records, or expenses on children's education. Similarly, no evidence regarding ownership of the tent shop, rental details, or any professional training was produced. Even accounts showing income were not produced

7. Therefore, merely asserting that the deceased earned ₹20,000/- per month from the tent business, without corroborative evidence, was insufficient to justify a higher award. The learned Tribunal correctly held that some prima facie evidence is necessary to ascertain the income of the deceased, which was lacking in the present case. Accordingly, taking of minimum wages payable to a tent pitcher as the income of the deceased was justified.

8. The deceased was 32 years old, as per the postmortem report, and the Tribunal also considered this age in its computation. The Tribunal applied 40% towards future prospects in calculating the loss of dependency, made a 50% deduction in view of the deceased being unmarried, and applied a multiplier of 16. Compensation for loss of consortium, funeral expenses, and loss of estate was also awarded at ₹40,000/- and Rs. 15,000/- under each head.

9. In view of the above, the Tribunal has correctly applied the legal principles and appropriately computed the just compensation. There is no scope for interference with the award. Hence, the present appeal is dismissed.



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10. Pending miscellaneous application(s), if any, shall also stand disposed of.

12.11.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No