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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-5173-2008 (O&M)
Decided on 04.12.2025

Vidhya Devi and others ...Appellants

Versus

Ram Singh and others ...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Deepika, Advocate,
for Mr. S.K. Yadav, Advocate for the appellant(s).

Mr. D.K. Dogra, Advocate,
for respondent No.3-Insurance Company.

HARPREET KAUR JEEWAN, J. (Oral)

1. This appeal has been preferred by the claimant-appellants, seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Narnaul*(hereinafter referred to as the 'Tribunal')* vide the impugned award dated 16.04.2008.

2. The appellant-claimants, Vidhya Devi (wife), Amarjit (son), Anshu Yadav (daughter), Manju (daughter) and Satish (son), filed a petition before the Tribunal seeking compensation on account of death of Ishwar Singh (deceased) in a motor accident which took place on 18.04.2006.

3. As per the facts of the case, the deceased was going on a motorcycle and was hit by a Maruti Car bearing registration No.HR-26E-0901, being driven by respondent No.1-Ram Singh, in a rash and negligent manner.

4. The Tribunal awarded following compensation in the present case:-

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	Rs.3,400/-
2.	Annual income	Rs.40,800/- [Rs.3,400/- X 12]
3.	Deduction 1/3rd	Rs.27,200/- [Rs.40800 – Rs.13,600]
4.	Multiplier of '7'	Rs.1,90,400/- [Rs.27,200 X 7]
5.	Loss of dependency	Rs.1,90,400/-
	Total Compensation	**Rs.1,90,400/-**
	Interest @ 7.5% per annum	

5. Learned counsel for the claimant-appellants contends that the Tribunal has wrongly assessed the income of the deceased, who was an ex-serviceman and getting pension of Rs.3,541/- per month. He was also employed as a driver at the B.M.D. High School and earning an amount of Rs.3,300/- per month, which fact has also been ignored by the Tribunal. It is further contended that keeping in view the age of the deceased at the time of his death in the accident, the multiplier of 11 ought to have been applied. No addition on account of the 'future prospects' has been made. It is also submitted that nothing has been awarded by the Tribunal towards conventional heads. Reliance has been placed on ***National Insurance Company Ltd. vs. Pranay Sethi & Ors., (2017) 16 SCC 680***; ***Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors., (2018) 18 SCC 130*** and ***N. Jayasree & Ors. vs. Cholamandalam M.S General Insurance Company Ltd., 2021(4) RCR (Civil) 642***.

6. On the other hand, learned counsel appearing on behalf of respondent No.3-Insurance Company submitted that the Tribunal has passed a well-reasoned award and there is no scope for interference in the same.

7. I have considered the aforesaid submissions and perused the paper-book.

8. A limited challenge has been made to the findings of the Tribunal, i.e. the quantum of compensation. The Tribunal has treated the income of the deceased as Rs.3,400/- per month on the basis of monthly pension, but the said determination is contrary to the facts on record. The Tribunal has considered the testimony of the claimant-Vidhya Devi-PW-11, who has testified that the deceased was getting monthly pension amounting to Rs.3,400/- after his retirement from the Army service. In addition, he earned Rs.3,300/- per month being employed as a driver. The monthly pension record was also proved by Kundan Singh, PW-7, Clerk-cum-Cashier of the Punjab National Bank, who has testified that the deceased had retired from Army service and was getting the pension through their bank in his bank account bearing No.35773. Though the Tribunal has recorded in para No.12 of the Award that he had drawn pension to the extent of Rs.5,341/- in the month of April 2006, but there appears to be a clerical error in the said findings. Since the victim died on 18.04.2006 and it is highly improbable that salary for 18 days would have been calculated as Rs.5,341/-. Such inference is not possible in view of the cross-examination of the witness, who testified that prior thereto, the deceased was drawing the monthly pension of Rs.3,541/- and even the claimant has testified that the pension was Rs.3,400/- per month. There is no contradictory evidence to the testimony of Kundan Singh, PW-7. As such, keeping in view the version given by the witness in the cross-examination, the monthly income of the deceased is treated as

Rs.3,541/- on account of pension. There is no documentary proof regarding the post-retirement employment of the deceased as a driver, as such the Tribunal has rightly ignored to consider the alleged additional income of Rs.3,300/- per month as salary on account of working as a driver. In view of the above facts and circumstances, the monthly income of the victim is treated as Rs.3,541/-

9. There is no dispute regarding the findings of the Tribunal regarding age of the deceased as 53 years at the time of his death, as such the multiplier of 11 ought to have been applied instead of 7, as applied by the Tribunal.

10. Keeping in view the fact that the deceased was getting pension, which is bound to increase with the passage of time, as such, the claimants are also entitled for 10%increase on account of future prospects.

11. The appellants are also entitled for compensation on account of conventional heads, which fact has been completely ignored by the Tribunal. As such, the claimants are awarded Rs.40,000/- each on account of loss of consortium (filial). An amount of Rs.15,000/- is granted towards funeral expenses and another amount of Rs.15,000/- is awarded for 'loss of estate'.

12. Accordingly, the reworked compensation is as under:-

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	Rs.3,541/-
2.	Future prospects @ 10%	Rs.3,895/- (Rs.3,541/- + Rs.354/-)
3.	Deduction 1/3rd	Rs.2,597/- (Rs.3895/- - Rs.1298/-)
4.	Annual income	Rs.31,164/-
5.	Multiplier of '11'	Rs.3,42,804/-
6.	Loss of dependency	Rs.3,42,804/-
7.	Funeral charges	Rs.15,000/-
8.	Loss of estate	Rs.15,000/-

9.	Loss of consortium (filial)	Rs.2,00,000/-
	Total Compensation	**Rs.5,72,804/-**
	Interest @ 7.5% per Annum on the enhanced amount	

13. The amount in excess of the amount awarded by the Tribunal shall attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

14. In view of the decision by the Hon'ble Supreme Court in ***Parminder Singh vs. Honey Goyal & Ors., 2025 INSC 361,*** after calculation of the enhanced amount, the same shall be transferred by respondent No.3-Insurance Company in the Bank Accounts of the claimant-appellants within a period of 06 weeks from today. The particulars of the bank account(s) along with the requisite documents in support thereof shall be furnished by the claimant-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. The compliance shall be reported by the Bank to the Tribunal concerned.

15. In view of the above discussion, the present appeal is partly allowed and the award passed by the Tribunal is modified accordingly.

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

04.12.2025 **[HARPREET KAUR JEEWAN]**
Sapna Goyal/atulsethi **JUDGE**

Whether speaking / reasoned : Yes No

Whether Reportable : Yes No