



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

(217)

**FAO-2060-2003(O&M)
Date of Decision-02.02.2026**

BALBIR KAUR AND ANOTHER**... APPELLANTS****VERSUS****HARPAL SINGH AND OTHERS****... RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Kuldip Sanwal, Advocate,
for appellants.

Mr. Amardeep Singh Gill, Advocate
for respondent No.5 and 7

Mr. Ajay Singla, Advocate
for respondent No. 6

Mr. Ravinder Arora, Advocate
for respondent No.8

VIRINDER AGGARWAL, J.(ORAL)

1. This appeal has been preferred by the claimants seeking enhancement of compensation awarded vide award dated 13.03.2003 passed by the Motor Accident Claims Tribunal, Bhiwani, whereby the compensation of ₹1,80,000/- along with interest at 9% per annum was granted on account of death of Malhar Singh in a motor vehicular accident that took place on 23.01.1999.

BACKGROUND FACTS

2. The brief facts of the case are that on 23.01.1999, Malhar Singh, aged about 23 years, was driving truck No. PAT-6512 when, near Shambhu Barrier, it was struck by truck No. JK-02G-3631, driven rashly and negligently



by respondent No.2. As a result of the collision, Malhar Singh sustained grievous injuries and succumbed thereto in hospital. Thereafter, the claimants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of ₹10,00,000/- on account of the death of Malhar Singh.

3. Upon appreciation of the oral and documentary evidence on record, the learned Tribunal concluded that the accident in question, resulting in the death of Malhar Singh, stood duly proved and had occurred due to the rash and negligent driving of respondent No.2, Ravi Kumar. The said finding was primarily founded upon the unrebutted testimony of Kuldeep Singh (AW-1), an eye-witness to the occurrence, duly corroborated by the FIR (Ex.PC) placed on record. The learned Tribunal further observed that respondent No.2 failed to step into the witness box to rebut the version of the claimants and, accordingly, drew an adverse inference against him, holding that Malhar Singh had died due to ante-mortem injuries sustained in the road traffic accident. While assessing compensation, the learned Tribunal determined the age of the deceased to be 23 years. Though Balbir Kaur (AW-2), the mother of the deceased, deposed in her affidavit (Ex.PB) that the deceased was earning ₹3,000 per month as a truck driver, the learned Tribunal, in the absence of documentary evidence and having regard to the nature of the avocation, assessed his income by adopting the prevailing minimum wages for an unskilled labourer at ₹2,500 per month. After deducting one-third towards personal expenses, the annual dependency was assessed at ₹20,000 per annum and, by applying a multiplier of 9, the loss of dependency was computed at ₹1,80,000. Consequently, total compensation of ₹1,80,000 was awarded in favour of the claimants along with interest at the rate of 9% per annum.



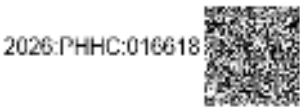
CONTENTIONS

4. Learned counsel for the appellants submitted that the compensation determined by the learned Tribunal is manifestly inadequate and contrary to the settled principles governing the assessment of just compensation. It was contended that the learned Tribunal erred in assessing the income of the deceased at an unduly low figure by ignoring the cogent evidence available on record. It was further argued that the multiplier applied by the learned Tribunal is erroneous and not in consonance with the age of the deceased. Learned counsel for the appellants also submitted that no amount was awarded towards loss of consortium and funeral expenses, and that the learned Tribunal failed to grant compensation under other mandatory conventional heads. Additionally, no addition towards future prospects was made while computing the loss of dependency. On these grounds, it was urged that the impugned award warrants interference and calls for enhancement so as to grant just, fair and reasonable compensation to the claimants.

5. Learned counsel for respondents 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.

7. 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 matter, 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	Tribunal Award (₹)	Reassessed Award (₹)
Monthly Income	2500/-	2,500/-
Income With Future Prospects (40%)	x	3,500/- (2500 + 1000)
After Deduction (Unmarried)	1,667/- (1/3rd personal expense)	1,750/- (1/2nd for personal expense as unmarried)
Annual Contribution To Family	20,000/- (1,667x12)	21,000/- (1,750x12)
Multiplier (age 23 yrs)	9	18
Loss Of Dependency	1,80,000	3,78,000/- (21,000 × 18)

Filial Consortium	x	80,000
Funeral Expenses	x	15,000/-
Loss Of Estate	x	15,000/-
Total	₹1,80,000	₹4,88,000/-

8. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹1,80,000/- to **₹4,88,000/-**. 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 and apportionment of the compensation shall remain the same as determined by the learned Tribunal
9. 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.
10. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

02.02.2026
Poonam

(VIRINDER AGGARWAL)
JUDGE

(i)

Whether speaking/reasoned

:

Yes/No

(ii)

Whether reportable

:

Yes/No