

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****132****Date of decision: 20.01.2026****FAO-269-2025(O&M)****Enaya & Others****...Appellant(s)****Vs.****Gurmeet Singh & Others****...Respondent(s)***********FAO-56-2025(O&M)****Priyanka Rani & Another****...Appellant(s)****Vs.****Gurmeet Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Kapil Aggarwal, Advocate
for the appellants (in both cases).

Mr. Lalit Garg, Advocate
for respondent No.3/Insurance Company.

*********NIDHI GUPTA, J.****FAO-269-2025**

Present appeal has been filed by claimants No.2, 3, 5 and 6 seeking enhancement of compensation of Rs.21,54,740/- awarded by the Motor Accident Claims Tribunal, Kurukshetra (hereinafter 'the learned



Tribunal') vide Award dated 14.03.2024 passed in MACP Case No.310 dated 08.07.2021 filed under Sections 166 and 140 of the Motor Vehicles Act (hereinafter "the Act"). The six claimants are the 26-year-old widow, three minor children, 44-year-old mother and 47-year-old father of deceased Ankush, who was 27 years old at the time of accident. Claimants No.1 and 4 are pro-forma respondents No.3 and 4 herein.

FAO-56-2025

Present appeal has been filed by claimants No.1 and 4 seeking enhancement of compensation of Rs.21,54,740/- awarded by the Motor Accident Claims Tribunal, Kurukshetra (hereinafter 'the learned Tribunal') vide Award dated 14.03.2024 passed in MACP Case No.310 dated 08.07.2021 filed under Sections 166 and 140 of the Motor Vehicles Act (hereinafter "the Act"). The 6 claimants are the 26-year-old widow, three minor children, 44-year-old mother and 47-year-old father of deceased Ankush, who was 27 years old at the time of accident.

Both the above appeals are being disposed of by this common order as both arise out of the same accident dated 24.04.2021, in respect of death of Ankush; and against Award dated 14.03.2024 passed in Claim Petition No.310 of 2021. For the sake of brevity, the facts are being taken from FAO-269-2025 titled as "Enaya & Others Vs. Gurmeet Singh & Others".



2. Mr. Kapil Aggarwal, Advocate appears on behalf of the appellants (in both cases) and files Power of Attorney, which is taken on record.

3. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Ankush had died due to the injuries suffered by him in a motor vehicular accident that took place on 24.04.2021 due to the rash and negligent driving of the Car bearing registration No.HR-97-8708 (hereinafter "the offending vehicle") being owned and driven by respondent No.1 and insured by respondent No.2. The said compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation amount.

4. Learned counsel for the appellants seeks enhancement of compensation by submitting that it was the clear pleaded case of the claimants before the learned Tribunal that deceased was a Contractor and was earning Rs.25,000/- per month. It is submitted that yet, the learned Tribunal has taken income of the deceased only as Rs.9,700/- per month as that of an unskilled labourer, which is on the lower side. It is further submitted that in view of the fact that there were six claimants, deduction of 1/5th ought to have been made towards personal expenses; whereas learned Tribunal has erroneously made a deduction of 1/4th. Even interest should have been awarded @ 18% per annum instead of 7.5%. Learned counsel



further submits that consortium of only Rs.44,000/- has been awarded; whereas each of the claimants are entitled to consortium. It is accordingly prayed that the present appeal be allowed and the Award passed by the learned Tribunal be modified/enhanced.

5. Notice of motion.

6. Mr. Lalit Garg, Advocate accepts notice on behalf of respondent No.2/Insurance Company.

7. Per contra, learned counsel for the respondent No.2/Insurance Company opposes the submissions advanced on behalf of the appellants and submits that the impugned Award suffers from no error; and the present appeal deserves to be dismissed.

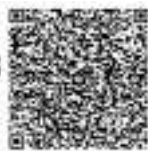
8. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find some merit in the submissions advanced on behalf of the appellants.

9. Perusal of record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that deceased was working as a Private Contractor with UHBVNL and that he was also doing the work of dairy farming and was earning Rs.25,000/- per month from all sources. However, no evidence whatsoever was adduced by the appellants to prove the said assertions. It is to be noted that the appellants had failed to mention even the name of the Contractor who had engaged the deceased, in their Claim Petition nor during evidence. Even Salary Slip of the deceased was not



brought on record. Even no Bank Account Statement was attached to show income as alleged. Even no income tax returns of the deceased were brought on record to prove the alleged occupation or income. Accordingly, the learned Tribunal had assessed notional income of the deceased as that of an unskilled labourer on the basis of Minimum Wage Notification dated 15.06.2021 as Rs.9,700/- per month. I find no error in the same.

10. Age of the deceased was determined to be 27 years at the time of accident, on the basis of his Aadhaar Card (Ex.P12), wherein his date of birth is mentioned as 17.02.1994. As such, the learned Tribunal had correctly made an addition of 40% towards future prospects; and correctly applied multiplier of 17. As there were 6 claimants, the learned Tribunal has made a deduction of $\frac{1}{4}^{\text{th}}$ towards personal expenses. It has been contended on behalf of the appellants that a deduction of $\frac{1}{5}^{\text{th}}$ ought to have been made. However, the claimant No.6 is the 47-year-old father and claimant No.5 is the 44-year-old mother of the deceased. 47-year-old father of the deceased cannot be taken as dependent upon the deceased. Claimant No.5 being his wife would firstly be dependent on her husband i.e. claimant No.6. Thus, the learned Tribunal has correctly made deduction of $\frac{1}{4}^{\text{th}}$. Learned Tribunal has further awarded Rs.16,500/- for funeral expenses; Rs.16,500/- for loss of estate and Rs.44,000/- towards loss of consortium; thereby granting total compensation of Rs.21,54,740/-. Needless to say, each of the six claimants is entitled to Rs.44,000/- each by way of consortium.



11. In view of the above, compensation awarded to the appellants
is re-assessed as follows:-

Head	Awarded by learned Tribunal	Re-assessed compensation
Income	Rs.9,700/-	Rs.9,700/-
Addition of 40%	Rs.13,580/-	Rs.13,580/-
Deduction	1/4 th	1/4 th
Multiplier	17	17
Loss of dependency	Rs.20,77,740/-	Rs.20,77,740/-
Funeral expenses	Rs.16,500/-	Rs.16,500/-
Loss of estate	Rs.16,500/-	Rs.16,500/-
Consortium	Rs.44,000/-	Rs.44,000/- x 5 = Rs.2,20,000/-
Total	Rs.21,54,740/-	Rs.23,30,740/-

12. Present appeal stands **partly allowed** in above terms.
13. Pending application(s) if any also stand(s) disposed of.

20.01.2026
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No