

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****242****FAO-1464-2019(O&M)****Date of decision: 18.03.2026****Kuljit Kaur & Others****...Appellant(s)****Vs.****Jagjit Singh & Another****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Navkesh Singh Goraya, Advocate
for the appellants.Mr. Radhey Shyam Sharma, Advocate
for respondent No.2.*********NIDHI GUPTA, J.**

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.12,66,190/- awarded by the Motor Accident Claims Tribunal, Ludhiana (hereinafter 'the learned Tribunal') vide Award dated 09.01.2018 passed in Claim Petition filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 5 claimants are the widow, 2 minor children, and parents of deceased Charanjit Singh, who was 40 years old at the time of accident.

2. 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 the deceased Charanjit Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 10.08.2016



due to the rash and negligent driving of tralla bearing registration No.PB-10-CC-0391 (hereinafter “the offending vehicle”) being driven and owned by respondent No.1 and insured by respondent No.2. The compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that the appellants are entitled for grant of compensation for an amount of Rs.50 lakh along with interest @ 18% per annum. It is submitted that the court below has ignored the fact that appellant no. 4 and 5 are fully dependent upon the deceased as they are parents of the deceased and they have no source of income and it is not proved on file by the respondent that they were having any source of income from anywhere but still the court below has ignored the fact and has applied one third reduction for the monthly income of deceased which is wrong. Thus, deduction should be one fourth.

4. It is further submitted that the Tribunal had assessed 7.5% as interest from the date of award which is wrong and the tribunal should have awarded interest 9% from the date of application. It is accordingly prayed that the present appeal be allowed and compensation be enhanced.

5. Per contra, learned counsel for the respondent No.2 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.

6. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail.

7. Perusal of record of the case shows that deceased Charanjit Singh was proved to be working with Angrish Alloys and Steel Pvt. Ltd. and earning Rs.7250/- per month. To prove the above-said claim, the appellants had examined PW5 Harbans Singh Bala, who had brought employment record of the deceased, such as Salary Statement and Attendance Register as Ex.PW5/B to Ex.PW5/L. PW5 had further deposed that as on 10.08.2016 deceased was drawing salary of Rs.7250/- per month. Despite cross-examination, respondents were unable to shake the above-said testimony of PW5. Accordingly, learned Tribunal had assessed income of the deceased as Rs.7250/- per month. I find no error in the same.

8. Further, age of the deceased was determined to be 40 years at the time of accident, on the basis of his Post-Mortem Report (Ex.P10). As the deceased was more than 40 years old, learned Tribunal had correctly made an addition of 25% towards future prospects. Although in the Claim Petition, the appellants had mentioned age of the deceased as 39 years, however, they had failed to produce any evidence to show/prove the date of birth of the deceased. Whereas, in the Post-Mortem Report (Ex.P10), age of the deceased was mentioned as 40 years. Accordingly, in conformity with the



judgment of the Hon'ble Supreme Court in "**National Insurance Company Ltd. VS. Pranay Sethi & Others**" Law Finder Doc ID # 918174, wherein it is held that for deceased below 40 years of age, future prospects have to be added @ 40%; and for deceased between 40-50 years of age, future prospects have to be added @ 25%. Accordingly, learned Tribunal has correctly made an addition of 25% towards future prospects. In conformity with judgment of the Hon'ble Supreme Court in "**Sarla Verma Vs. Delhi Transport Corporation**" (2009) AIR (SC) 3104 Law Finder Doc ID # 188882; multiplier of 15 too has been correctly applied.

9. Learned Tribunal had further made a deduction of 1/3rd towards personal expenses. It has been contended on behalf of the appellants that as there were 5 claimants, deduction of 1/4th ought to have been made. I find merit in the said contention as claimants No.4 and 5 being the 65-year-old father and 60-year-old mother of the deceased ought to have been taken as dependents upon the deceased. Accordingly, deduction of 1/4th ought to have been made towards personal expenses.

10. Under the conventional heads, the Tribunal has awarded Rs.15,000/- towards loss of estate; Rs.15,000/- towards funeral expenses; and Rs.40,000/- only to claimant No.1 towards consortium. However, the Tribunal has mistakenly not granted consortium to the claimants No.2 to 5. In view of the above, present appeal stands **partly allowed**; and compensation payable to the appellants is re-assessed as follows: -



Head	Awarded by learned Tribunal	Re-assessed compensation
Income	Rs.7250/- per month	Rs.7250/- per month
Deduction	(1/3 rd) Rs.7250/- - Rs.2416.6/- = Rs.4833/-	(1/4 th) Rs.7250/- - Rs.1812.5/- = Rs.5437.5/-
Annual dependency	Rs.4833/- x 12 = Rs.57,996/-	Rs.5437.5/- x 12 = Rs.65,250/-
Multiplier (15)	Rs.57,996/- x 15 = Rs.86,940/-	Rs.65250/- x 15 = Rs.9,78,750/-
Loss of estate	Rs.15,000/-	Rs.15,000/-
Funeral expenses	Rs.15,000/-	Rs.15,000/-
Consortium to claimant No.1	Rs.40,000/-	Rs.40,000/-
Consortium to claimants No.2 to 5	--	Rs.40,000/- x 4 = Rs.1,60,000/-
Future prospects (25%)	25% of Rs.7250/- = Rs.1812.50/- x 12 x 15 = Rs.3,26,250/-	25% of Rs.7250/- = Rs.1812.5/- x 12 x 15 = Rs.3,26,250/-
Interest	7.5% pa	7.5% pa
Total	Rs.12,66,190/-	Rs.15,35,000/-

11. Pending application(s) if any also stand(s) disposed of.

18.03.2026
Sunena

(Nidhi Gupta)
Judge

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