



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

FAO-566-2002

Date of Decision:21.04.2026

BANARSI DASS

...Appellant

Versus

ASHOK KUMAR

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None for the appellant.

Mr. Vinod Gupta, Advocate
for respondent No.3-insurance company,

PARMOD GOYAL, J. (ORAL)

Claimants-appellants have preferred the present appeal being the parents of deceased, Sulekh Chand (hereinafter referred to as the “Deceased”), who died in a road accident which took place on 16.07.1999, on account of rash and negligent driving by respondent No. 3 while driving truck bearing registration No. PB-11D-2241.

2. Being aggrieved by the impugned award dated 12.09.2001 passed by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as “Tribunal”), vide which the claimants-appellants were found entitled to total compensation of Rs.1,60,000/-. The claimants-appellants are seeking enhancement of compensation awarded by the Tribunal as the same is not according to their entitlement.

3. Since the factum of the accident is not in dispute, the facts as regards to manner of accident, as recorded in the impugned award passed by the Tribunal are not being adverted herein for sake of brevity.

4. The Tribunal in the present case had awarded the following

compensation:

Monthly Income	Rs.2,000/- per month
Deduction	Rs.1,300/-
Multiplier	10
Compensation for loss of dependency	Rs.1,56,000/- Rs.1,300x10x12
Expenses incurred on last rites	Rs.4,000/-
Total compensation awarded by the Tribunal	Rs.1,60,000/-

5. Appellants-claimants have sought enhancement of compensation on the ground that future prospects were not added by the learned Tribunal while calculating loss of dependency. Award of multiplier of ‘10’ by learned Tribunal is also under challenge. Appellants have also sought appropriate compensation for loss of estate, funeral expenses and loss of consortium.

6. In present case, appellants-claimants are aggrieved by non-grant of loss of dependency after taking future prospects. Admittedly, deceased was 28 years old at the time of the accident, unmarried and survived by his parents. As per claim of the appellants-claimants, deceased was earning about Rs.2,000-2,500/- per month by running a dairy. The evidence led by appellants-claimants was duly accepted by learned Tribunal and income of the deceased was assessed to be Rs.2,000/- per month. There is no challenge to the income of the deceased. Neither respondent no. 3 has challenged the income as determined by learned Tribunal nor there is any serious challenge by appellants-claimants to income so determined by learned Tribunal. In view of proved income, age of the deceased and number of dependents, appellants-claimants are entitled to multiplier of ‘17’, future prospects to the extent of 40% and deduction of 50% towards personal expenses. Appellants-

claimants shall also be entitled to Rs.7,500/- each under the head loss of estate, funeral expenses and Rs. 15,000/- each under the head filial consortium.

7. Accordingly, the reworked compensation to which the claimants–appellants are entitled to is as under:

Income	Rs.2,000/- per month	Rs.2,000/- per month
Future Prospects	40% (2000+800)	Rs.2,800/-
Deduction	50% (2800-1400)	Rs.1,400/-
Multiplier	17	17
Total loss of dependency	Rs.1,400 x 12x17	Rs.2,85,600/-
Loss of Estate		Rs.7,500/-
Funeral Expenses		Rs.7,500/-
Loss of Filial consortium to claimant nos. 1 & 2	Rs.15,000/- x 2	Rs.30,000/-
Total Compensation awarded in appeal		Rs.3,30,600/-
Total Compensation awarded by the Tribunal	Rs.2,35,200/-	
Enhanced amount of compensation	Rs.3,30,600/- (as awarded in appeal) Rs.1,60,000/- (as awarded by the Tribunal)	Rs.1,70,600/-

8. Claimants-appellants shall also be entitled to interest @ 7.5% on the enhanced compensation from the date of filing of claim petition till realization. Apportionment and liability of respondents to pay compensation shall be as per the award. Present appeal is allowed in above terms.

9. Pending application(s), if any, is/are disposed of accordingly.

21.04.2026
Ravinder

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No