



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

(214)

**FAO-3546-2002(O&M)  
Date of Decision-20.02.2026**

Tek Ram And Another

... Appellants

Versus

Chhota And Others

... Respondents

**CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Ms. Manisha Rani, Advocate,  
Mr. RN Lohan, Advocate  
for appellants

Mr. Suvir Dewan, Advocate  
for respondent No.3.

Mr. Aseem Aggarwal, Advocate  
for respondent No.6

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**VIRINDER AGGARWAL, J.(ORAL)**

1. This appeal has been preferred by the claimants seeking enhancement of compensation awarded vide award dated 28.02.2002 passed by the Motor Accident Claims Tribunal, Jind, whereby the compensation of ₹1,50,000/- along with interest at 9% per annum was granted on account of death of Dalbir Singh in a motor vehicular accident that took place on 28.09.2000.

**BACKGROUND FACTS**

2. The brief facts of the case are that On 28.09.2000, Dalbir Singh, aged about 24 years, was travelling as a passenger in a jeep bearing registration No. HR-45/3917 from Safidon to Jind, which was being driven by Suraj Mal (respondent No. 4). When the jeep reached near the 'T' point/bus stand of village Sheela Kheri, Tehsil Safidon, District Jind, a tractor bearing registration No. HR-33/9818, driven by respondent No. 1, Chhota alias Joginder, allegedly



came from the side of village Sheela Kheri at a high speed and in a rash and negligent zig-zag manner and struck against the middle portion of the jeep. Owing to the forceful impact, the jeep got damaged and turned turtle, resulting in multiple simple and grievous injuries to Dalbir Singh and other passengers, including injured claimant Vinod. The injured were initially taken to Civil Hospital, Safidon, and in view of the serious condition of Dalbir Singh, he was referred to PGIMS, Rohtak, where he ultimately succumbed to his injuries. Thereafter, the claimants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation on account of the death of Dalbir Singh.

3. Upon a comprehensive appreciation of the oral and documentary evidence on record, the learned Tribunal returned a categorical finding that the accident resulting in the death of Dalbir Singh was duly proved and had occurred due to the rash and negligent driving of respondent No. 1, Chhota alias Joginder, while driving tractor No. HR-33/9818. The finding of negligence was primarily based on the ocular testimony of Vinod (PW-7), an injured eye-witness who was travelling in the jeep at the time of the occurrence, as well as on the admission of respondent No. 1 (RW-1) that he had been challaned and was facing criminal trial in connection with the accident. The said evidence stood duly corroborated by the contemporaneous record, including the FIR (Ex. P.B), the Post-Mortem Report (Ex. P.A) and the MLR (Ex. P.D), which consistently recorded the details of the occurrence. While assessing the quantum of compensation, the learned Tribunal determined the age of the deceased to be about 24 years. The claim of the appellants that the deceased was a skilled mason earning ₹5,000/- per month (or ₹170–180 per day, as deposited by PW-5 Sher Singh and PW-6 Tek Ram) was not accepted on account of inconsistencies



in the oral evidence and the absence of documentary proof of income. In the absence of cogent evidence in support of the higher income, the Tribunal assessed the monthly income of the deceased at ₹1,800/-, treating him as a casual labourer. Considering that the deceased was unmarried and of young age, and keeping in view the likelihood of his marriage in due course and consequent reduction in contribution to his parents, the learned Tribunal assessed dependency in two stages. For the first two years, it was estimated that after deducting personal expenses, the deceased would have contributed ₹1,200/- per month to his parents. Thereafter, his contribution was assessed at ₹1,000/- per month (₹500/- each to the parents). Applying a multiplier of 12, having regard to the age of the parents, the total loss of dependency was calculated at ₹1,48,800/- (₹28,800/- for two years and ₹1,20,000/- for the subsequent ten years). In addition, ₹1,200/- was awarded towards funeral expenses. Consequently, a total compensation of ₹1,50,000/- was awarded along with interest at the rate of 9% per annum from the date of filing of the petition till realization, with joint and several liability fastened upon respondents Nos. 1 to 3.

### **CONTENTIONS**

4. Learned counsel for the appellants contended that the compensation awarded by the learned Tribunal is manifestly inadequate and contrary to the settled principles governing the determination of just compensation under the Motor Vehicles Act. It was submitted that the learned Tribunal has erred in assessing the income of the deceased. It was further argued that the multiplier applied by the learned Tribunal is erroneous and not in consonance with the age of the deceased, thereby resulting in substantial diminution of the compensation. Learned counsel also submitted that no addition towards future



prospects was made, which is impermissible in view of the settled legal position. Additionally, the amounts awarded towards funeral expenses and other conventional heads are wholly inadequate, and no compensation has been granted under certain mandatory conventional heads. On these grounds, it was urged that the impugned award warrants enhancement so as to award just, fair and reasonable compensation to the claimants.

5. Learned counsel for the 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                                    | Reassessed Award (₹)                               |
|------------------------------------------------|----------------------------------------------------|
| Monthly Income                                 | 2000/-                                             |
| Income With Future Prospects<br>(40%)          | 2,800/-<br>(2,000 + 800)                           |
| After Deduction<br>(50% for personal expenses) | 1,400/-<br>(50% for personal expense as Unmarried) |
| Annual Contribution To Family                  | 16,800/-<br>(1,400x12)                             |
| Multiplier (age 24 yrs)                        | 18                                                 |
| Loss Of Dependency                             | 3,02,400/-<br>(16,800× 18)                         |
| Filial Consortium                              | 80,000                                             |
| Funeral Expenses                               | 15,000/-                                           |
| Loss Of Estate                                 | 15,000/-                                           |
| Total                                          | ₹4,12,400/-                                        |

8. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹1,50,000/- to **₹4,12,400/-**. 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.

20.02.2026  
Sourav Pathania

(VIRINDER AGGARWAL)  
JUDGE

- (i) Whether speaking/reasoned : Yes/No
- (ii) Whether reportable : Yes/No