2026:PHHC:023901

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2661-2021 (O&M)
Date of Decision: February 13, 2026

Charanjit Kaur and another

...Appellants

VERSUS

Nettar Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Arvind Rajotia, Advocates
for the appellants.

Mr.Sarthak Mehta, Advocate for
Mr.PHS Pannu, Advocate
for respondent No.3.

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ARCHANA PURI, J.

The present appeal has been filed by the appellants-claimants, thereby, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, on account of death of Jaspreet Singh, in a motor vehicular accident.

Suffice to consider the accident had taken place on 05.03.2018. On appraisal of the evidence brought on record, learned Tribunal had concluded about the accident to have been caused due to rash and negligent driving of the tipper bearing registration No.PB-10BQ-8225, driven by respondent No.1-Nettar Singh and the same resulted into death of Jaspreet Singh.

It was pleaded case of the appellants-claimants that their son Jaspreet Singh was 35 years old, working as a driver and that he was unmarried and earning Rs.25,000/- per month. The driving licence of the deceased had also come on record as Ex.C1.

However, learned Tribunal considered that no satisfactory evidence, relating to the vocation followed by the deceased, as such, has come on record, and therefore, assessed the earnings of deceased as an ordinary labourer, to the extent of Rs.7500/- per month. Thereupon, learned Tribunal had made addition to the extent of 40%, on the count of 'future prospects'. Since, the deceased was unmarried, deduction to the extent of 1/2 was made. Considering the deceased to be 35 years old, multiplier of '16' was applied. Besides the aforesaid, under the conventional heads, on the ground of 'loss of estate', 'loss of consortium' and 'funeral expenses', amount of Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively were granted. The compensation worked upon by learned Tribunal as given in paragraph No.23, is reproduced as herein given:-

HEADS OF CLAIM		
Sr. No.	Heads	Amounts
1.	Annual income (7500x12) After adding future prospects @ 40%	90000 126000
2.	Less deduction (½, 1/3,1/4, 1/5)	½
3.	Multiplicand (annualized by multiplying 12)	63000
4.	Multiplier	16
5.	Loss of dependence	1008000
6.	Medical expenses	-
7.	Loss of consortium for wife	-
8.	Loss of estate	15000
9.	Funeral expenses	15000
	TOTAL	1038000
		(Rupees ten lakhs and thirty-eight thousand only)

Even though, an amount of Rs.40,000/- was awarded on the count of 'loss of consortium', as observed in the earlier portion of the

Award, but however, in the tabular form, it was given amiss. Further, the compensation was only awarded to appellant-claimant No.1, being mother of the deceased.

However, the 'work on' of the compensation aforesaid, do call for re-computation, as per prevalent law.

Before proceeding further, it is pertinent to mention that learned Tribunal had not granted the compensation to father of the deceased.

However, the aforesaid finding is palpably wrong. It is pertinent to mention that even though, a person, who may be earning, may not be financially dependent on his son, who has departed from the world, but however, it should be noted that the word '**dependent**' has a different meaning in different connotation. Some may be dependent in terms of money and others may be dependent in terms of service. Thus, dependency is a relevant criteria to claim compensation for loss of dependency. It necessarily does not mean financial only. It also includes gratuitous service dependency, physical dependency, emotional dependency, psychological dependency, and so on and so forth, which can never be equated in terms of money. Considering the same, even though, the deceased son may not be rendering financial assistance to his father, but however, emotional and psychological dependency upon the young son, by the father, as such, ought to be there and considering the same, the father of the deceased, is also entitled to compensation.

Proceeding further, during the course of arguments, much emphasis has been laid upon deceased Jaspreet Singh to be working as driver and in this context, it is submitted that the extent of earnings taken by learned Tribunal, is on lesser side and the consequential 'work on' of the compensation, is also meagre.

It is pertinent to mention that it is categoric claim of the appellants-claimants that deceased Jaspreet Singh was working as driver and was earning Rs.25,000/- per month. CW-1 Mahinder Singh, one of the claimants, who is father of the deceased, in his affidavit Ex.CW1/A has deposed about deceased to be working as driver and that he had a driving licence and was earning Rs.25,000/- per month. This averment, as such, has not been satisfactorily rebutted by the respondents.

Very true, there is no documentary evidence, coming on record, with regard to the vocation followed by the deceased, but however, there is no reason coming forth to overlook the statement of father of the deceased, who has categorically stated about the vocation followed by the deceased. No doubt, learned Tribunal had assessed the monthly income of the deceased, by adopting minimum wages, but however, the minimum wages notification may be a yardstick, but all the time, it is not necessary to follow the same or cannot be said to be absolute one to fix the income of the deceased. In the absence of documentary evidence on record, some amount of guess work is also required to be done, but at the same time, as held by the Hon'ble Supreme Court in ***Chandra @ Chanda @ Chandraram vs. Mukesh Kumar Yadav and others, 2021 (4) RCR (Civil) 492***, the guess work for assessing the income of the deceased, should not be totally detached from reality and that merely because the claimants were unable to produce the documentary evidence, to show the monthly income of the deceased, same does not justify adoption of lowest tier of minimum wages, while computing the income. Therein also, it was observed that there is no reason to discard the oral evidence of the wife of the deceased, who had deposed that deceased was earning around Rs.15,000/- per month.

In the light of the aforesaid case law, reverting to the case in hand, it is pertinent to mention, as already observed, that it is categoric claim that the deceased was working as driver and even, father of the deceased, while stepping into witness box has categorically so stated. Even, the deceased was having driving licence. Considering the evidence in entirety, it stands amply established that the deceased was working as a driver.

So far as, the extent of earnings is concerned, no doubt, no such specific evidence, has come on record, relating to the same, but however, in the modest estimate, while making some guess work very close to the proximate reality and more particularly, in view of the dearth of skilled drivers in the society, all the time and more particularly, considering the enormous growth of vehicle population day-by-day and their being demand for good drivers all the time in the society, the earnings, as such, taken by learned Tribunal, is definitely, on lower side and calls for enhancement.

Considering the aforesaid circumstances and value of skilled drivers increasing day-by-day in the society, more particularly, in view of growth of vehicle population, this Court deems it appropriate, in modest estimate, to assess the earnings of the deceased as Rs.12,000/- per month. Considering the deceased to be bachelor, deduction, on the count of 'personal expenses' ought to be made to the extent of 1/2. Further, considering the age of deceased to be 35 years, addition on the count of 'future prospects' ought to be made to the extent of 40%. The appropriate multiplier to be applied is '**16**' as applied by learned Tribunal.

However, under the conventional heads, the amount of compensation awarded by learned Tribunal, needs to be enhanced. As per

Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130, all the dependents are entitled to compensation, on the count of 'loss of consortium, be it 'filial', 'spousal' or 'parental', which also comprehends 'loss of love and affection'. As per ***National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009***, the minimum amount payable is Rs.40,000/-. While applying enhancement clause to the extent of 10%, after every three years of passing of the judgment, the compensation payable to each claimant is Rs.48,400/-. Thus, both the appellants-claimants are entitled to compensation, on the count of 'loss of consortium' to the extent of Rs.48,400/- each i.e. Rs.48,400x2=**Rs.96,800/-**. Even, on the count of 'loss of estate' and 'funeral expenses', the amount now payable is **Rs.18,150/-** on each count.

Considering the same, the compensation payable to appellants-claimants, on account of death of Jaspreet Singh is re-computed, as herein given:-

Earnings	Rs.12000/- per month
Deduction of ½	Rs.12000-6000=Rs.6,000/-
Addition of 40%	Rs.6000+2400=Rs.8400/- annual whereof is Rs.1,00,800/-
Multiplier of '16'	Rs.1,00,800x16=**Rs.16,12,800/-**
Loss of consortium	**Rs.96,800/-**
Loss of estate	**Rs.18,150/-**
Funeral expenses	**Rs.18,150/-**
Total	**Rs.17,45,900/-**

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.17,45,900-10,38,000=Rs.7,07,900/-**. On the enhanced amount of the compensation i.e.

Rs.7,07,900/-, the appellants-claimants, shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation. The enhanced amount of compensation shall be disbursed to the appellants-claimants, in equal shares.

The impugned Award dated 16.10.2019 stands modified, to the extent, as indicated aforesaid.

In view of the aforesaid observations, the present appeal stands allowed.

February 13, 2026 **(ARCHANA PURI)**
Vgulati **JUDGE**

Whether speaking/reasoned **Yes**
Whether reportable **Yes/No**