



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

FAO-4293-2003

Date of Decision: 03.02.2026

SMT JARINA AND ORS

....Appellants

Versus

CHAIRMAN RAJASTHAN STATE ROAD TRANSPORT
CORPORATION

...Respondent

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Kunal Phogat, Advocate
for the appellants.

Parmod Goyal, J. (Oral)

Present appeal has been preferred by the appellants-claimants being the wife, minor children and parents of deceased-Khurshid (hereinafter referred to as the 'deceased'), who died in motor vehicular accident which took place on 16.10.2000, on account of rash and negligent driving by respondent No.3 while driving bus bearing registration No. RJ-14-P-2761.

2. Being aggrieved by the impugned award dated 29.04.2000, passed by the Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as 'Tribunal'), vide which the appellants-claimants were found entitled to total compensation of Rs.3,89,000/-, the appellants-claimants are seeking enhancement of compensation awarded by the Tribunal as the same is not accordance with their entitlement.

3. Since in present appeal the only issue raised by appellants-claimants is as regards to quantum of compensation and there is no appeal or

cross-objection preferred by respondents to challenge manner of accident, the detailed facts as regards to manner of accident are not being noticed for the sake of brevity.

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

Income of deceased	Rs.3,000/- per month
Deduction 1/3 rd (3,000-1,000)	Rs.2,000/-
Multiplier	16
Total loss of dependency	Rs3,84,000/- (2,000 x 12 x 16)
Compensation on account of consortium, Funeral and Transportation expenses	Rs.5,000/-
Total compensation awarded	Rs.3,89,000/-

5. Ld. Counsel for claimants-appellants have sought enhancement in compensation on following grounds that :-

- Income of deceased was not correctly taken. That the income of the deceased taken by learned Tribunal is on the lower side. That deceased was 30 years of age at the time of accident running a Karyana shop and was earning Rs.5,000/- per month.
- Future prospects were not added while determining loss of dependency. Future prospects to the extent 40% of monthly income needs to be added as the deceased was 30 years of age at the time of accident.
- Multiplier applied by learned Tribunal is ‘16’ whereas, keeping in view the age of deceased the multiplier of ‘17’ ought to have been granted.
- Deduction towards personal expenses of deceased ought to be

taken as 1/5th while determining dependency as deceased was survived by seven dependents.

- Appropriate compensation amount needs to be granted under the heads loss of consortium, funeral expenses and loss of estate in accordance with law laid down by Hon'ble Supreme Court.

6. Learned Tribunal has assessed income of deceased as Rs.3,000/- per month. Loss of dependency was assessed as Rs.2,000/- per month after deducting 1/3rd of assessed income of Rs.3,000/-.

7. PW5-father of deceased had asserted that deceased was agriculturist and has placed on record photocopy of Jamabandi Ex.PA showing his ownership. He however, claimed that he had distributed his land to his four sons (including deceased) who are carrying on agricultural activities. Wife of deceased PW-1 further asserted that in addition to agricultural income deceased was earning Rs.5,000/- per month from a Karyana Shop. Except for self-serving oral assertions, no other material is available on record to conclude income of deceased to be Rs.5,000 per month. On consideration, I find that Learned Tribunal has rightly taken the income of deceased to be Rs.3,000/- per month more than minimum wages payable to a skilled worker prevalent at the time of accident i.e. in the year 2001. Income assessed by learned Tribunal, therefore, cannot be faulted with. No corroborative material was placed to plead income from Karyana Shop.

8. Keeping in view the age of deceased, an addition of 40% towards future prospects is warranted and multiplier of '17' is applicable as deceased was 30 years old. Since deceased was survived by 7 dependents i.e.

wife, children and parents, the deduction towards personal expenses has to be 1/5th instead of 1/3rd applied by learned Tribunal. Appellants-claimants would be entitled to Rs.7,500/- towards loss of estate and Rs.7,500/- towards funeral expenses and the appellants-claimants would also be entitled to Rs.15,000/- each towards loss of spousal, parental and filial consortium as the deceased was survived by seven dependents namely wife, children and parents.

9. Accordingly, the reworked compensation payable to appellants-claimants is as under :-

Income of deceased	Rs.3,000/- per month	Rs.3,000/- per month
Deduction	1/5 th (3,000-600)	Rs.2,400/-
Future Prospects	40% (2,400+960)	Rs.3,360/-
Multiplier	17	17
Total loss of dependency	Rs.3,360 x 17 x 12	Rs.6,85,440/-
Loss of estate		Rs.7,500/-
Funeral expenses		Rs.7,500/-
Spousal consortium to Claimant No.1		Rs.15,000/-
Parental consortium to Claimant No.2 to 5	Rs.15,000 x 4	Rs. 60,000/-
Filial consortium to Claimant No.6 and 7	Rs.15,000 x 2	Rs.30,000/-
Compensation awarded by Tribunal	Rs.3,89,000/-	
Compensation awarded in appeal		Rs.8,05,440/-

Enhancement compensation	of	Rs.8,05,440/- (awarded in appeal)- Rs.3,89,000/- (awarded by Tribunal)	Rs.4,16,440/-
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10. Appellants-claimants shall be entitled to enhanced compensation along with 7.5% interest from the date of filing of claim petition till realization of entire amount. Apportionment and liability to pay compensation shall be as per award.
11. Appeal is accordingly allowed in above terms.
12. Pending application(s), if any, is/are disposed of accordingly.

03.02.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No