



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

FAO-2354-2020 (O&M)
Date of Decision: February 24, 2026

Smt.Rubina and others

...Appellants

VERSUS

Jamshed and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Rosi, Advocate
for the appellants.

Mrs.Madhu Sharma, Advocate
for respondent No.3.

ARCHANA PURI, J.

There was no consensus reached between the parties, with regard to the amicable settlement. As such, arguments on the main appeal heard.

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 Iqbal, in a motor vehicular accident, which took place on 30.01.2018.

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 offending vehicle bearing registration No.HR-27G-6517, driven by respondent No.1-Jamshed and the same resulted into death of Iqbal.

It was pleaded case of the appellants-claimants that Iqbal was 27 years old. He was a milk vendor and earning Rs.25,000/- per month.



However, on appraisal of the evidence, brought on record, learned Tribunal had considered the age of the deceased as 27 years, on the basis of the recitals of the post-mortem report Ex.P14 and taking into consideration that there was no satisfactory evidence, coming on record, with regard to indulgence of the deceased in milk vending and earning Rs.25,000/- per month, the deceased was considered as labour and as per the minimum wages applicable in the year 2018, his earning were assessed as Rs.8000/- per month.

Addition of 40% was made, on the count of ‘future prospects’. However, father of the deceased was not held entitled to any compensation and thus, taking widow, children as well as mother of the deceased, as dependents, deduction to the extent of 1/4th was made, on the count of ‘personal expenses’. Considering the age of the deceased, multiplier of ‘17’ was applied. Besides the same, Rs.15,000/- each was awarded, on the counts of ‘loss of estate’ and ‘funeral expenses’ and another amount of Rs.40,000/- was awarded to appellant-claimant No.1-Smt.Rubina, on the count of ‘loss of consortium’.

The compensation worked upon by learned Tribunal as given in paragraph No.15, in tabular form, is reproduced as herein given:-

Sr. No.	Heads of claim amount	Rs.
1.	Income	8,000/-
2.	Add % of increase 40%	3200/-
3.	Deduction (1/4 th)	2800/-
4.	Annual dependency	1,00800/- (8400x12)
5.	Multiplier	17
6.	Loss of dependency	17,13,600/-
7.	Loss of estate	15,000/-
8.	Funeral expenses	15000
9.	Loss of consortium	40,000/-
	Total	17,83,600/-



Be it noted that, only the appellants-claimants have filed the appeal for seeking enhancement of the compensation.

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, keeping in view the age of father of the deceased to be 65 years, at the relevant time, he may not be earning and even if, he is taken to be earning, then also, he is bound to be physically, emotionally and psychologically dependent upon his young son. As such, the dependency can never be equated in terms of money and the dependency of the father, on the young son, who has now departed from the world, ought to be taken into consideration. Considering the same, the father of the deceased, is also entitled to compensation.

So far as, earnings of deceased Iqbal are concerned, while considering him as labourer, it has been taken as Rs.8000/-, as per the minimum wages. However, it is pertinent to mention that the accident had taken place on 30.01.2018 and the minimum wages prevalent, at the relevant



time in State of Haryana were Rs.8497.56, which is now rounded off as Rs.8500/-. Thus, it is evident that the compensation has been worked upon by learned Tribunal, which is less than the minimum wages. Therefore, it calls for enhancement, on the extent of monthly earnings, which are now taken as Rs.8500/- per month.

Further, considering the age of deceased to be 27 years, addition on the count of 'future prospects' ought to be made to the extent of 40%. However, considering the number of dependents to be seven, deduction to the extent of 1/5th ought to be made, instead of 1/4th, as done by learned Tribunal. The appropriate multiplier to be applied is '17', as applied by learned Tribunal.

Besides the aforesaid, under the conventional heads, the amount of compensation awarded by learned Tribunal, needs to be enhanced. It is pertinent to note that an amount of Rs.40,000/- has been awarded to appellant-claimant No.1 (widow), on the count of 'loss of consortium'. However, 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 base amount on the count of 'loss of consortium' is Rs.40,000/-, which called for enhancement to the extent of 10%, after every three years of passing of the judgment and the prevalent amount payable is Rs.48,400/-. Thus, all the appellants-claimants are entitled to compensation, on the count of 'loss of consortium' to the extent of Rs.48,400/- each i.e. $\text{Rs.48,400} \times 7 = \text{Rs.3,38,800/-}$. 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 Iqbal is re-computed, as herein given:-

Earnings	Rs.8500/- per month
Addition of 40%	Rs.8500+3400=Rs.11,900/-
Deduction of 1/5th	Rs.11900-2380=Rs.9520/- annual whereof is Rs.1,14,240/-
Multiplier of ‘17’	Rs.1,14,240x17= Rs.19,42,080/-
Loss of consortium	Rs.3,38,800/-
Loss of estate	Rs.18,150/-
Funeral expenses	Rs.18,150/-
Total	Rs.23,17,180/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.23,17,180-17,83,600=Rs.5,33,580/-**. On the enhanced amount of the compensation i.e. **Rs.5,33,580/-**, 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. Out of the compensation, as now worked upon aforesaid, respondent-claimant No.1 is held entitled to **Rs.2,33,580/-**, whereas, respondents-claimants No.2 to 7 are held entitled to **Rs.50,000/-** each.

The impugned Award dated 20.08.2019 stands modified, to the extent, as indicated aforesaid.

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

February 24, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No