



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

FAO-5269-2002 (O&M)

Date of Decision: 02.07.2026

GURDEV KAUR

....Appellant

Versus

RAJWANT SINGH & ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Himanshu Khanna, Advocate
for the appellant.

Mr. Vipul Sharma, Advocate
for respondent No.3-Insurance Company.

PARMOD GOYAL, J. (ORAL)

The present appeal has been preferred by the Appellant-claimant being the mother of deceased, Neeta Singh (hereinafter referred to as the “**Deceased**”), who died in road accident which took place on 06.05.2000, on account of rash and negligent driving by respondent No. 1 while driving bus bearing registration No. PB-11-P-9655.

2. Being aggrieved by the impugned award dated 14.02.2002 passed by the Motor Accident Claims Tribunal, Sangrur (hereinafter referred to as “Tribunal”), vide which the appellant-claimant was found entitled to total compensation of Rs.1,70,000/-. The Appellant-claimant is 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 learned 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.1,500/- per month
Deduction	Rs.1/3 rd (1500-500 = Rs.1,000/-)
Multiplier	14
Funeral expenses	Rs.2,000/-
Total compensation awarded by the Tribunal	Rs.1,70,000/-

5. Appellant-claimant have sought enhancement of compensation on the ground that the income of the deceased has been wrongly taken. It is asserted that the deceased was working as an agriculturalist and running a dairy farm and earning Rs.6,000/- per month. It also asserted that future prospects were not added by the learned Tribunal while calculating loss of dependency. That deduction was wrongly applied in view of number of dependents i.e. the deceased was a bachelor and survived by his parents. Appellant-claimant have also sought appropriate compensation for loss of estate, funeral expenses and loss of consortium.

6. In present case, Appellant-claimant are aggrieved by facts that the income of the deceased was taken by the learned Tribunal as Rs.1,500/- per month and by non-grant of loss of dependency after taking future prospects in consideration. Admittedly, deceased was 20 years old at the time of the accident and survived by his parents. As per claim of the appellant-claimant, deceased was earning Rs.6,000/- per month by doing agricultural work and also by running a dairy. However, no material was adduced to prove the pleaded income and vocation except for self serving oral assertions. Therefore, in absence of any cogent evidence regarding

income of deceased, minimum wages prevalent at the time of accident i.e. Rs.1,790/- per month for unskilled worker is taken as income of deceased.

7. Accordingly, the income of the deceased is taken as Rs.1,790/- per month. Keeping in view age of the deceased and number of dependents, appellant-claimant are entitled to multiplier of ‘18’. Future prospects to the extent of 40% and deduction of 50% towards personal expenses as the deceased was a bachelor survived by parents also needs to be applied. Appellant-claimant shall also be entitled to Rs.7,500/- under the head loss of estate, Rs.7,500/- under the head funeral expenses and Rs.15,000/- under the head filial consortium. It is however, made clear that in case Hon’ble Supreme Court answers the reference regarding quantum of compensation under conventional heads made in **Hasina Yasmin & Ors. Vs. National Insurance Co. Ltd.**, 2025 SCC Online SC 2019 in favour of appellant-claimant, appellant-claimant shall be free to seek said amount by moving appropriate application in this regard.

8. Accordingly, the reworked compensation to which the appellant-claimant are entitled to is as under:

Income	Rs.1,790/- per month	Rs.1,790/- per month
Future Prospects	40% (1790+716)	Rs.2,506/-
Deduction	50% (2506-1253)	Rs.1,253/-
Multiplier	18	18
Total loss of dependency	Rs.1,253x12x18	Rs.2,70,648/-
Loss of Estate		Rs.7,500/-
Funeral Expenses		Rs.7,500/-
Loss of filial consortium to claimant no. 1 & respondent no.4	Rs.15,000x2	Rs.30,000/-
Total Compensation		Rs.3,15,648

awarded in appeal		
Total Compensation awarded by the Tribunal	Rs.1,70,000/-	
Enhanced amount of compensation	Rs.3,15,648/- (as awarded in appeal) Rs.1,70,000/- (as awarded by the Tribunal)	Rs.1,45,648/-

9. Appellant-claimant 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.

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

02.07.2026
Ravinder

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No