IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(222) **FAO-1821-2003(O&M)**
Date of Decision-20.03.2026

DARSHAN KAUR AND OTHERS … APPELLANTS

VERSUS

RAMBIR AND OTHERS … RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Uday Vij, Advocate,
Mr. Sanjay Vij, Advocate
for appellants

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VIRINDER AGGARWAL, J.(ORAL)

1. The present appeal has been preferred by the claimants seeking enhancement of the compensation awarded vide award dated 27.01.2003 passed by the learned Motor Accident Claims Tribunal, Gurgaon, on account of the death of Tirlochan Singh in a motor vehicular accident.

BACKGROUND FACTS

2. The brief facts of the present case are that on 08.08.2001 at about 8:15 a.m., Tirlochan Singh was travelling on his scooter bearing No. PE-01-7091 from Palam Vihar towards Sector-23, Gurgaon. When he reached near the crossing of Sector-23, a Toyota Qualis bearing registration No. HR-55-T-8915, being driven by respondent No.1 Rambir in a rash and negligent manner and coming from the wrong side, struck the scooter of the deceased, resulting in a serious accident. Due to the impact, Tirlochan Singh sustained multiple grievous injuries and was immediately taken to Civil Hospital, Gurgaon, where he succumbed to the injuries on the same day. In respect of the said accident, a criminal case was also registered against the driver of the offending vehicle at

Police Station Udyog Vihar, Gurgaon. Thereafter, the legal representatives of the deceased filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of his death. Upon appreciation of the evidence, the learned Tribunal awarded a total compensation of ₹2,71,000/- along with interest at the rate of 9% per annum from the date of filing of the claim petition till realization, holding the driver, owner and insurer of the offending truck jointly and severally liable.

CONTENTIONS

3. Learned counsel for the appellants contended that the compensation awarded by the learned Tribunal is inadequate and contrary to the settled principles governing determination of just compensation under the Motor Vehicles Act. It was submitted that the learned Tribunal erred in assessing the income of the deceased and in applying an incorrect multiplier, which resulted in reduction of the compensation. It was further argued that no addition towards future prospects was made and the amounts awarded under the conventional heads are also inadequate. On these grounds, enhancement of the compensation has been sought.

OBSERVATIONS AND FINDINGS

4. 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.

5. Firstly, with regard to the income of the deceased, the learned Tribunal examined the evidence brought on record in this regard and considered the

testimony of Satpal Dahiya (PW-1), Field Officer from M/s Detective and Security Force, Kapasera, New Delhi. The said witness deposed that the deceased Tirlochan Singh was working as a Security Supervisor in their company and was posted at Gopal Clothing Ltd., Gurgaon. The salary certificate of the deceased was also produced and proved on record as Ex. P-2, which established that he was drawing a salary of ₹6,250/- per month. The widow of the deceased, while appearing as PW-3, also stated that the deceased used to bring about ₹5,000/- per month to the household. However, despite the salary certificate having been duly proved on record and there being no rebuttal or contrary evidence led by the respondents to discredit the said document, the learned Tribunal assessed the monthly income of the deceased at ₹3,000/- only. Such an approach of the learned Tribunal cannot be sustained in law. Once the salary certificate had been proved through the competent witness and remained unrebutted, there was no justification for discarding the same and assessing the income of the deceased on conjectures. Consequently, the income of the deceased ought to have been taken as ₹6,250/- per month in terms of the salary certificate (Ex. P-2) placed on record.

6. Further, 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 loss of consortium and other conventional heads as mandated in the aforesaid decisions. The reassessment is structured as under:

REASSESSED COMPUTATION

Particulars	Award by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	3,000/-	**6,250/-**
Income With Future Prospects (10%)	x	**6,875/-** **(6,250 + 625)**
After Deduction (4 Dependents)	2,000/-	**5,156/-** **(1/4th for personal expense)**
Annual Contribution To Family	24,000 (2,000 x 12)	**61,872/-** **(5,156 x 12)**
Multiplier **(age 54 yrs)**	11	**11**
Loss Of Dependency	2,64,000 (24,000 x 11)	**6,80,592/-** **(61,872 × 11)**
Spousal Consortium	7,000	**40,000/-**
Parental Consortium		**1,20,000/-**
Funeral Expenses		**15,000/-**
Loss Of Estate	x	**15,000/-**
Total	2,71,000/-	**₹8,70,592/-**

7. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹2,71,000/- to **₹8,70,592/-**. The enhanced amount shall carry the interest at rate of 7% per annum from the date of filing of the claim petition till realization. All the respondents are held jointly and severally liable to pay the aforesaid enhanced compensation to the claimants.

8. 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.

9. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

(VIRINDER AGGARWAL)
JUDGE

20.03.2026
POONAM

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