

2026:PHHC:051405



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

FAO-756-2003

Date of Decision: 02.04.2026

SHAKUNTLA DEVI AND ANOTHER

....Appellants

Versus

BALA RAM AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Maneet Kaushik, Advocate
for the appellants.

Mr. Gopal Mittal, Advocate
for respondent No.5.

PARMOD GOYAL, J. (ORAL)

Appellants/claimants being the wife and son of the deceased-
Randhir Singh (hereinafter referred to as 'Deceased') are aggrieved by
award of compensation of Rs.14,35,000/- being insufficient compensation
on account of death of deceased in motor vehicular accident dated
18.01.2001 caused by the offending tractor trolley bearing registration
No.HR-05F-7151 being driven by respondent No.1.

2. Appellants/claimants are further aggrieved by finding of
contributory negligence to the extent of 50% on the part of deceased who
was driving car at the time of accident. An amount of Rs.7,17,750/- was
reduced from the compensation on account of finding of contributory
negligence.

3. Learned Tribunal had awarded the following compensation :-

Income	Rs.1,86,000/- per annum
Deduction	1/3rd
Multiplier	13
Total loss of dependency	Rs.1,24,000 x 13
Loss of spousal consortium	Rs.5,000/-
Funeral expenses	Rs.4,500/-
Loss of estate	Rs.4,500/-
Total compensation awarded	Rs.14,35,500/-
Contributory negligence	Rs.7,17,750/- (Rs.14,35,500 / 2)

4. Learned counsel for appellants/claimants has referred to the evidence of PW3 Azad Singh and PW5 Man Singh i.e. author of FIR and injured eye witnesses respectively, who at the time of accident accompanied deceased in the car driven by deceased and has argued that learned Tribunal has wrongly concluded contributory negligence on the part of deceased and has wrongly arrived at conclusion that deceased had failed to keep proper distance from tractor trolley which contributed in causing the accident.

5. Admittedly, in the present case, respondent No.1 has not appeared and has not controverted evidence of appellants/claimants in the shape of PW3 and PW5. On the statement of Azad Singh (PW3), eye witness of the accident FIR No.37 was lodged. Perusal of the FIR and final report Ex.P5 clearly goes to show Azad Singh in a consistent manner before the police as well as before the Court while appearing as PW3 had deposed that tractor trolley was going ahead of car bearing No.HR-43A-0005 driven

by deceased on the left hand side of the road. Then all of a sudden took a turn towards left hand side and without giving any signal stopped the vehicle. PW3 further asserted that deceased had tried to avoid the accident but he could not succeed and car struck against the tractor trolley as a result of which deceased as well as person occupying the car had suffered injuries. Man Singh PW5 who was accompanying deceased at the time of accident had stated that he had suffered injuries. He has also described the manner of accident as was stated by PW3 before the police as well as before learned Tribunal.

6. PW3 and PW5 both have asserted accident to be result of sole negligence on the part of respondent No.1 as it was respondent No.1 who took sudden wrong turn and had stopped the tractor trolley. It has also come in evidence that deceased was driving his car on the left side which is correct side and tractor trolley had taken a sudden turn without giving any signal to the vehicles coming from the back side. When tractor had taken a sudden turn and applied brakes without any signal to vehicles coming from back side, no fault of vehicle coming from back side can be found unless there is evidence that accident could have been avoided by the vehicle which was coming from the behind.

7. In the present case, there is no evidence to this effect. Learned Tribunal has only assumed that car had struck against tractor trolley as proper distance was not maintained by the car. From the evidence of PW3 and PW5 it is clearly made out that tractor had taken sudden turn and had stopped without giving any signal and deceased had tried to stop his car, this goes to show that accident had occurred on account of sudden act of respondent No.1 while driving offending tractor trolley.

8. In the facts and circumstances of the present case, specially when police after investigation had also found respondent No.1 who have caused the accident and challaned respondent No.1 for facing trial for causing the accident, the conclusion drawn by learned Tribunal on the basis of assumption cannot be sustained. It is accordingly held that accident had occurred on account of rash and negligent driving of respondent No.1 alone.

9. Learned counsel for appellants/claimants has fairly accepted determination of income of deceased by learned Tribunal as same is based upon evidence of employer. He is mainly aggrieved by non-addition of future prospects and wrong application of multiplier. Age of deceased was proved to be about 50 years (less than 50 years) as he was born on 01.04.1951 and had died on 18.01.2001. Therefore, multiplier in the present case would be 13 and appellants/claimants are also entitled to future prospects to the extent of 30% as deceased was in permanent job with Sports Authority of India.

10. Accordingly reworked compensation is as under :-

Income	Rs.1,86,000/- per annum	Rs.1,86,000/- per annum
Future Prospects	30% (1,86,000 + 55,800)	Rs.2,41,800/-
Deduction	1/3 rd (2,41,800 – 80,600)	Rs.1,61,200/-
Multiplier	13	13
Total loss of dependency	Rs.1,61,200 X 13	Rs.20,95,600/-
Loss of Estate		Rs. 7,500/-
Funeral Expenses		Rs. 7,500/-

Loss of spousal consortium to claimant No.1		Rs.15,000/-
Loss of parental consortium to claimant No.2		Rs.15,000/-
Total Compensation awarded in appeal		Rs.21,40,600/-
Total Compensation awarded by the Tribunal	Rs.7,17,750/-	
Enhanced amount of compensation	Rs.21,40,600/- (awarded in appeal) – Rs.7,17,750/- (awarded by the Tribunal)	Rs.14,22,850/-

11. Appellants/claimants shall be entitled to enhanced compensation/compensation reduced on account of contributory negligence 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.
12. Appeal is accordingly allowed in above terms.
13. Pending application(s), if any, is/are disposed of accordingly.

02.04.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

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