

2026:PHHC:088363



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

212

FAO-1906-2002

Date of decision :01.07.2026

DARSHANA DEVI AND ORS.

... APPELLANTS

VERSUS

SAT PAL AND ORS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None.

PARMOD GOYAL, J. (ORAL)

1. Claimants-appellants have preferred the present appeal being the wife and minor children of the deceased, Phul Singh (hereinafter referred to as the “Deceased”), who died in motor vehicular accident which took place on 09.01.2000, on account of rash and negligent driving by respondent No. 1 while driving car bearing registration No. HR-07C-7432.

2. Being aggrieved by the impugned award dated 29.11.2001 passed by the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as “Tribunal”), vide which the claimants-respondents were found entitled to total compensation of Rs.2,18,200/-. The claimants-respondents are seeking enhancement of compensation awarded by the Tribunal as the same is not according to their entitlement.

3. The Tribunal in the present case has awarded the following compensation:

Annual Income	Rs.24,000/-
Deduction	1/5 th Rs.19,200/- (24000-4800)
Multiplier	11
Total loss of dependency	Rs.2,11,200/-
Funeral expenses	Rs.2,000/-
Spousal Consortium	Rs.5,000/-
Total compensation awarded	Rs.2,18,200/-

4. In the present case claimants-appellants have claimed that deceased was earning Rs.10,000/- per month while working as a watchman in Swami Rice Mills, plying a bullock cart and from agricultural, however, the claimants-appellants have not placed on record any material to prove the income and vocation of the deceased. Therefore, learned Tribunal had rightly noted that no material is available to conclude pleaded income and vocation of the deceased. In absence of any cogent evidence, the income of the deceased as taken by the learned Tribunal is maintained. Accordingly, income of deceased is taken as Rs.24,000/- per annum on the basis of prevalent minimum wages payable to unskilled person. Keeping in view the age of the deceased as 50 years an addition of 25% towards future prospects ought to be taken. Since, the deceased is survived by six dependants, the learned Tribunal ought to have taken 1/5th deduction towards personal expenses. Further, the claimants-appellants would be entitled to Rs.15,000/- each under the head loss of spousal and parental consortium, Rs.7,500/- for funeral expenses and Rs.7,500/- for loss of estate. It is, however, made clear that in case Hon’ble Supreme Court answer the reference regarding quantum of compensation under conventional head made in

Hasina Yasmin and Ors. Vs. National Insurance Co. Ltd., 2025 SCC Online SC 2919 in favour of claimants-appellants, claimants-appellants shall be free to seek said amount by moving appropriate application in this regard.

5. Accordingly, the reworked compensation payable to respondents - claimants is as under :-

Income of deceased	Rs.24,000/- per annum	Rs.24,000/- per annum
Future Prospects	25% (24000+6000)	Rs.30,000/-
Deduction	1/5 th (30000-6000)	Rs.24,000/-
Multiplier	13	13
Total loss of dependency	Rs.24000 x13	Rs.3,12,000/-
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 Nos. 2 to 6	Rs.15,000x5	Rs.75,000/-
Compensation awarded by Tribunal	Rs.2,18,200/-	
Compensation awarded in appeal		Rs.4,17,000/-
Enhancement of compensation	Rs.4,17,000/- (awarded in appeal) – Rs.2,18,200/- (awarded by Tribunal)	Rs.1,98,800/-

6. Claimants-appellants 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.

- 7. Appeal is accordingly allowed in above terms.
- 8. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

01.07.2026
Manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No