



FAO-86-2002(O&M)

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

(219)

FAO-86-2002(O&M)

Date of decision: 12.05.2026

Neelu sharma @ Neelam and others

...Appellants

Versus

Arvind Sharma and Others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Jagriti Thakur, Advocate
for appellants

Mr. R.C. Kapoor, Advocate
for the respondent no.3 - Insurance company

VIRINDER AGGARWAL, J.(ORAL)

1. The present appeal has been preferred by the appellants/claimants seeking enhancement of the compensation awarded vide award dated 11.04.2001 passed by the learned Motor Accident Claims Tribunal, Jagadhri, on account of the death of Tarun Kumar in a motor vehicular accident which occurred on 15.11.1999.

BACKGROUND FACTS

2. The brief facts of the case are that on 15.11.1999, deceased Tarun Kumar had gone to Indri in connection with his business of utensils/scrap material and was returning along with Baldev Raj in Canter bearing registration No. HR-26-A-6171, which was being driven by respondent No.2-Balbir Masih. At about 11:30 P.M., when the aforesaid canter reached near village Jorian on Radaur road, it struck against Truck bearing registration No. HR-01-GA-7915 which was parked on the roadside without proper parking indicators or warning signals. As a result of the said accident, Tarun Kumar sustained multiple grievous injuries and succumbed



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thereto. FIR with respect to the said accident was thereafter registered at the instance of the complainant/eye-witness Baldev Raj.

3. Upon appreciation of the oral as well as documentary evidence brought on record, the learned Tribunal returned a finding that the accident in question had occurred due to rash and negligent driving of Canter bearing registration No. HR-26A-6171 by respondent No.2-driver, while also holding that the parked truck bearing registration No. HR-01-GA-7915 was responsible for the occurrence to the extent of 20%. While determining the quantum of compensation, the learned Tribunal assessed the monthly income of the deceased at Rs.2,500/- and awarded a total compensation of Rs.2,79,600/- along with interest @ 9% per annum from the date of filing of the claim petition till realisation, after restricting the liability of the contesting respondents to the extent of 80%. Aggrieved by the inadequacy of the compensation so awarded as well as the deduction to the extent of 20% on account of negligence attributed to the parked truck, the present appeal has been preferred by the appellants/claimants seeking enhancement thereof.

CONTENTIONS

4. Learned counsel for the appellants contended that the compensation awarded by the learned Tribunal is inadequate and contrary to the settled principles governing grant of just compensation under the Motor Vehicles Act. It was submitted that the learned Tribunal erred in assessing the income of the deceased on the lower side at Rs.2,500/- per month despite the evidence on record showing that the deceased was engaged in the business of trading in utensils and was also earning by driving a three-wheeler. It was further argued that the learned Tribunal failed to award any amount towards future prospects while assessing the loss of dependency. Learned counsel further contended that the learned Tribunal erred in restricting the liability of the contesting respondents to the extent of 80% despite



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the fact that the present case was one of composite negligence. It was also contended that the amounts awarded under the conventional heads are inadequate.

On these grounds, enhancement of compensation has been sought.

5. Learned counsel for the respondent no.3-Insurance company supported the award of the learned Tribunal and contended that the award had been passed after a proper and thorough appreciation of the evidence on record and therefore, did not warrant any interference by this Court.

OBSERVATIONS AND FINDINGS

6. I have heard learned counsel for the parties and have perused the record of the case. A careful perusal of the evidence available on record shows that the learned Tribunal has rightly held the driver of Canter bearing registration No. HR-26-A-6171 negligent to the extent of 80%, while also holding that the parked truck bearing registration No. HR-01-GA-7915 to be negligent to the extent of 20%. The material on record reveals that the canter had struck the parked truck from behind during night hours, which itself indicates lack of due care and caution on the part of the canter driver. At the same time, the evidence also establishes that the truck was parked partly on the metalled portion of the road and partly on the kacha berm without taking adequate safety precautions and without proper parking indicators/warning signals. In such circumstances, the apportionment of negligence as assessed by the learned Tribunal appears to be just, reasonable and based upon proper appreciation of the oral as well as documentary evidence available on record and therefore does not call for interference by this Court.

7. Further, though the present case would partake the character of composite negligence, however, the owner, driver and insurer of the aforesaid parked truck bearing registration No. HR-01-GA-7915 were never impleaded as parties to the



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claim petition. In these circumstances, the learned Tribunal was justified in restricting the liability of the contesting respondents only to the extent of 80% corresponding to the negligence attributed to the offending canter in question. Consequently, the findings recorded by the learned Tribunal on the aspect of apportionment of negligence and liability call for no interference by this Court.

8. Now, the other issue arising in the appeal pertains to the reassessment of the quantum of compensation. 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 standardised amounts for conventional heads such as loss of estate, funeral expenses and loss of consortium, has been settled.

9. The present matter, therefore, calls for a reappraisal of the compensation awarded by the learned Tribunal. The learned Tribunal rightly assessed the income of the deceased at Rs.2,500/- per month in the absence of cogent documentary evidence regarding his alleged business income, however, no addition towards future prospects has been granted. Further, though the age of the deceased was rightly held to be 25 years, the learned Tribunal erred in applying the multiplier of 17 instead of 18. The amounts awarded under the conventional heads also require suitable modification in accordance with the settled principles governing award of compensation. Therefore, the reassessment is structured as under:



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Particulars	Assessed by Tribunal	Re-assessed Amount
Monthly Income	2,500/-	2,500/-
Income with Future Prospects (40%)	X	3,500/- (2,500 + 1,000)
After Deduction (3 dependents)	1,667/- (1/3rd deducted towards personal expenses)	2,333/- (1/3rd deducted towards personal expenses)
Annual Contribution to Family	20,000/- (1,667 × 12)	27,996/- (2,333 × 12)
Multiplier (Age 25 years)	17	18
Loss of Dependency	3,40,000/- (20,000 × 17)	5,03,928/- (27,996 × 18)
Spousal Consortium	9,500/-	40,000/-
Filial Consortium		40,000/-
Parental Consortium		40,000/-
Funeral Expenses		15,000/-
Loss of Estate		15,000/-
Total Compensation	3,49,500/-	6,53,928/-
20% deduction on account of negligence attributed to parked truck bearing registration No. HR- 01-GA-7915	69,900/-	1,30,786/-
Final Compensation	₹2,79,600/-	₹5,23,142/-

10. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹2,79,600/- to ₹5,23,142/-. The enhanced amount shall carry interest at the rate of 7 % per annum from the date of filing of the claim petition till realisation.

11. The appeal is accordingly allowed with the modification of the award to the aforesaid extent. All other terms and conditions of the award, insofar as they are not inconsistent with the present judgment, shall remain unaltered.

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

(VIRINDER AGGARWAL)
JUDGE

12.05.2026

Saurav Pathania

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