IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

220 **FAO-5747-2002**
Date of decision :27.01.2026

SMT. AMAR KAUR AND OTHERS ... APPELLANTS

VERSUS

SUKHMINDER SINGH AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Sh. Gian Singh-appellant No. 3 (in person).

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PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the appellants-claimants being the father, mother and brother of the deceased-Balwinder Singh (hereinafter referred to as the '**deceased'**), who died in motor vehicular accident which took place on 31.07.1997, on account of rash and negligent driving by respondent No.1 while driving Haryana Roadways bus bearing registration No.HR-02-PA-0115.

2. Being aggrieved by the impugned award dated 02.09.2002, passed by the Motor Accident Claims Tribunal, Jalandhar (hereinafter referred to as 'Tribunal'), vide which the appellants-claimants were found entitled to total compensation of Rs1,92,000/-, the appellants-claimants are seeking enhancement of compensation awarded by the Tribunal as the same is not accordance with their entitlement.

3. Since in present appeal the only issue raised by appellants-

claimants is as regards to quantum of compensation and there is no appeal or cross-objection preferred by respondents to challenge manner of accident, the detailed facts as regards to manner of accident are not being noticed for the sake of brevity.

4. The Tribunal in the present case had awarded the following compensation:

Income of deceased	Rs2,000/- per month
50 % Deduction	Rs.1,000/-
Multiplier	16
Total loss of Income & awarded compensation	Rs. 1,92,000/- (1,000x12 x 16)

5. Claimants-appellants have sought enhancement in compensation on following grounds that:

- Income of deceased was not correctly taken. That the income of the deceased taken by learned Tribunal is on the lower side. That deceased was 20 years of age at the time of accident working as an agriculturist and he was earning Rs. 4,500/- per month.

- Future prospects were not added while determining loss of dependency. Future prospects to the extent 40% of monthly income needs to be added as the deceased was 20 years of age at the time of accident.

- Multiplier applied by learned Tribunal is ‘16’ whereas, keeping in view the age of deceased the multiplier of ‘18’ ought to have been granted.

- Appropriate compensation amount needs to be granted under the heads loss of consortium, funeral expenses and loss of estate in accordance with law laid down by Hon’ble Supreme Court.

6. *Per contra*, learned counsel for respondent No.3 has argued that sufficient amount has already been given as compensation in the present case and there is no scope of any enhancement.

7. Learned Tribunal has assessed income of deceased as Rs. 2,000/- per month. Loss of dependency was assessed as Rs. 1,92,000/- pm after further deducting 50% of assessed income of Rs. 1,000/-

8. PW3 - brother of deceased had stated that deceased was 20 years of age at the time of accident and was working as an agriculturist cultivating 20 acres of land as well as was working as driver and was earning Rs. 2,00,000/- per annum. The oral assertions made by PW-3 were supported by PW4 - mother of the deceased. Claims made by PW-3 and PW-4 are beyond their pleadings. In order to prove income of deceased appellants/claimants have only relied upon oral assertions. No corroborative material was placed on record to show that deceased was earning Rs. 4,500/- per month. No land records to show ownership of deceased over land has been placed. Learned Tribunal has taken income of deceased for calculating dependency to be Rs. 1,000/- per month. In present case no cogent or trustworthy evidence has been place on record to conclude pleaded income and vocation of deceased except for self serving assertions. In absence of supportive and corroborative evidence to conclude that deceased was earning Rs. 4,500/- per month, it would be appropriate to take income of deceased to be Rs. 2,350/- per month. Keeping in view of pleaded oral assertions. Hence, the income of deceased to be taken as Rs. 2,350/- per month. Personal expenses has been rightly deducted to the extent of 50% since deceased was a bachelor and parents alone can be held to be his dependents.

9. Keeping in view the age of deceased, an addition of 40% towards future prospects is warranted and multiplier of ‘18’ ought to be applied as deceased was 20 years old. Appellants-claimants would be entitled to Rs.7,500/- towards loss of estate and Rs.7,500/- towards funeral expenses and the appellants-claimants would also be entitled to Rs.15,000/- each towards loss of filial consortium.

10. Accordingly, the reworked compensation payable to appellants-claimants is as under:-

Income of deceased	Rs.2,350/- per month	Rs.2,350/- per month
Future Prospects	40% (2350+940)	Rs. 3,290/-
Deduction	50% (3290-1645)	Rs.1,645/-
Multiplier	18	18
Total loss of dependency	1,645 x18x12	Rs. 3,55,320/-
Loss of estate		Rs.7,500/-
Funeral expenses		Rs.7,500/-
Filial consortium to Claimant No.1 and 2	Rs.15,000x2	Rs.30,000/-
Compensation awarded by Tribunal	Rs. 1,92,000/-	
Compensation awarded in appeal		Rs. 4,00,320/-
Enhancement of compensation	Rs. 4,00,320/- (awarded in appeal) - Rs. 1,92,000 /- (awarded by Tribunal)	Rs. 2,08,320/-

11. Appellants/claimants 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.

12. Appeal is accordingly allowed in above terms.

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

(PARMOD GOYAL)
JUDGE

27.01.2026

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Whether speaking/reasoned	Yes
Whether reportable	Yes/No