



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

229

**FAO-2148-2002 (O&M)
Date of decision:02.07.2026**

SMT. SANTOSH RANI AND OTHERS ...APPELLANTS
VERSUS
PARDEEP KUMAR AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Paramveer Singh, Advocate
for appellants.

Mr. Vipul Sharma, Advocate for
Mr. Ravinder Arora, Advocate
for respondent No.3-Insurance Company.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the appellants-claimants who are wife, two minor sons and father of Randhir Singh (hereinafter referred to as the '**deceased**'), who died in motor vehicular accident which took place on 09.05.2000, on account of rash and negligent driving by respondent No.1 while driving car bearing registration No. DL-4CA-7038 (hereinafter referred to as '**offending vehicle**'), being aggrieved by the insufficient compensation of Rs.3,98,800/- awarded vide impugned award dated 03.01.2002, passed by the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as '**Tribunal**'), being not in accordance with their entitlement.

2. Since in present appeal the only issue raised by appellants-claimants is as regards to quantum of compensation, the detailed facts as regards to manner of accident are not being noticed herein for the sake of brevity.

3. In present case, learned Tribunal has awarded the following compensation:

Income	Rs.2,400/- per month
Deduction	1/3 rd
Multiplier	18
Loss of consortium	Rs.5,000/-
Funeral expenses, last rites, transportation	Rs.5,000/-
Total compensation awarded	Rs.3,98,800/-

4. Appellants-claimants had claimed that deceased was working as driver and was earning Rs.4,000/- as salary. It was further claimed that deceased was also earning Rs.5,000/- from agricultural operations. In order to prove salary income, PW-2 was examined. However, PW-2 except for making oral assertions that deceased was working as driver and earning Rs.4,000/- as salary had not brought any documentary evidence to show employment of deceased with him. No records showing payment of salary or showing employment of deceased were placed on record. Even driving licence of deceased was not placed on record. From evidence of appellants, only conclusion which could be drawn is that deceased was driver by vocation. Similarly, no cogent evidence to take income of deceased from agricultural operations is available. No evidence was led to show that deceased was owner of land or had taken it on lease. In absence of any evidence supporting oral claim that deceased was earning Rs.9,000/- per month, learned Tribunal has rightly taken minimum wages payable to driver in year 2001. Income of deceased is, therefore, taken as Rs.2,400/- per month as was taken by learned Tribunal.

5. Learned Counsel for the appellants-claimants has asserted that no addition has been made towards future prospects which ought to be added to the extent of 40% in terms of judgment of Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.**, 2017 (16) SCC 680 and deduction of 1/4th is required to be made towards personal expenses of deceased as deceased is survived by wife, two minor children and father. Appropriate amount of compensation needs to be granted under the head funeral expenses, loss of estate and loss of parental consortium in accordance with law laid down by Hon'ble Supreme Court.

6. Learned Tribunal has taken the income of the deceased as Rs.2,400/- per month as per minimum wages payable to a skilled person taking deceased to be driver. In the present case, deceased was aged about 28 years as per the post-mortem report (Ex.P5) and accordingly multiplier of '17' would be applicable while determining loss of dependency. Similarly, keeping in view age of the deceased, 40% towards future prospects ought to be added to the income of the deceased in view of judgment of Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi & Ors. (supra)**. Since the deceased is survived by four dependents i.e wife, two minor children and father, 1/4th deductions towards personal expenses needs to be made. Accordingly, appellant-claimant No.1 shall also be entitled to compensation for loss of spousal consortium @ Rs.15,000/-, appellants-claimants No.2 and 3 shall be entitled to compensation for loss of parental consortium @ Rs.15,000/- each and appellant-claimant No.4 shall be entitled to compensation @ Rs.15,000/- towards loss of filial consortium, Rs.7,500/- towards funeral expenses and Rs.7,500/- towards loss of estate

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

7. Accordingly, reworked compensation is as under :-

Income	Rs. 2,400/- per month	Rs 2,400/- per month
Future Prospects	40% (2400+960)	Rs.3,360/-
Deduction	1/4 th (3360-840)	Rs.2,520/-
Multiplier	17	17
Total loss of dependency	Rs.2,520x12x17	Rs.5,14,080/-
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 & 3	Rs.15,000x2	Rs.30,000/-
Loss of filial consortium to claimant No.4		Rs. 15,000/-
Total Compensation awarded in appeal		Rs.5,89,080
Total Compensation awarded by the Tribunal	Rs.3,98,800/-	
Enhanced amount of compensation	Rs.5,89,080/- (awarded in appeal) – Rs.3,88,800/- (awarded by the Tribunal)	Rs.1,90,280/-

8. 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.

- 9. Present appeal is allowed in above terms.
- 10. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

02.07.2026
Sunil Chander

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No