IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

231 **FAO-1783-2001 (O&M)**
Date of decision :21.05.2026

PREM RANI AND OTHERS **... APPELLANTS**

VERSUS

RAM DULAR AND OTHERS **...RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rajesh Arora, Advocate
for the appellants.

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PARMOD GOYAL, J. (ORAL)

1. A copy of the paper book was taken on record after obtaining a photocopy from the records maintained by the learned counsel for the appellants.

2. Present appeal has been preferred by appellants-claimants being aggrieved by award dated 05.05.2000 passed by Motor Accident Claims Tribunal, Gurugram (hereinafter referred to as 'Tribunal') whereby appellants-claimants were found entitled to total compensation of Rs. 1,92,000/- on account of death of deceased Har Bhagwan Saluja (hereinafter referred to as 'deceased), due to rash and negligent driving of respondent No. 1, while driving truck bearing registration No. HR-26-A-5733.

3. Learned Tribunal had awarded following compensation to the appellants-claimants

Income	Rs. 1,800/- per month (as per minimum wages)
1/3rd deduction	Rs. 600/- (1800-600)

Multiplier	13
Loss of dependency	Rs. 1,87,200/- (Rs. 600 x 12 x 13)
Compensation on account of last rites and consortium	Rs. 5,000/-
Total compensation awarded	1,92,200/-

4. Along with the present appeal, the appellants-claimants sought permission to produce additional evidence in the form of income tax returns for the assessment years 1994–95, 1995–96, 1996–97, and 1997–98. However, a perusal of the income tax return for the assessment year 1995–96 shows that the deceased had disclosed income of only Rs. 78,646.35 derived from interest received on FDRs and money advanced to debtors from whom interest was earned, and not from any business activity.

5. Similarly, for the assessment year 1994–95, the gross income disclosed was Rs. 94,510, which was also primarily from interest income. The income tax return for the assessment year 1993–94 reflects a gross income of Rs. 35,531, out of which Rs. 35,281 was interest earned on FDR No. 287 from Punjab National Bank, Rohtak. From the income tax returns, it is clearly established that the deceased was deriving income mainly from interest, which would have continued even after his death and, therefore, such income cannot be considered for determining loss of dependency. The application for additional evidence is, therefore, dismissed, as the same is not required for the just decision of the case as none of income tax returns sought to be adduced will make any impact on outcome of present appeal.

6. Learned counsel for the appellants-claimants asserted that deceased was doing business of tent house, earning Rs. 15,000/- per month. Except for self serving oral assertions, no material/evidence was placed on record to prove that the deceased was earning Rs. 15,000/- per month by running tent house. No sales tax number, registration certificate of the firm, bank statement or profit and loss account of the alleged tent house business was placed on record by the appellants-claimants. The only evidence available on record is the oral testimony of the appellants-claimants themselves. Therefore, neither the oral assertions nor the income tax returns sought to be adduced as additional evidence to prove the income of the deceased from any business activity is of any help to the case of appellants. Consequently, the learned Tribunal had rightly assessed the income of the deceased equivalent to minimum wages payable to unskilled worker. At the time of accident, minimum wages were Rs. 1,542/- per month. Learned Tribunal, however, had assessed the income of the deceased as Rs. 1,800/- per month. Since the income assessed by the learned Tribunal was higher than the income payable to unskilled worker prevailing in the year 1997 and not much in variance than minimum wages, the same is accepted as the income of the deceased.

7. On consideration, I find that the learned Tribunal had erred in not granting future prospects while calculating loss of dependency. Keeping in view the age of deceased to be 50 years at the time of accident, 25% towards future prospects ought to have been granted by the learned Tribunal to the appellants-claimants and deduction of 1/4th ought to be made to determine loss of dependency as the deceased is survived by 5 dependents. Multiplier of 13 is rightly applied by learned Tribunal as per the age of deceased.

8. Accordingly, appellants-claimants shall also be entitled to Rs.7,500/- towards funeral expenses, Rs. 7,500/- towards loss of estate and Rs.15,000/- each towards loss of spousal and parental consortium.

9. Re-worked compensation payable to appellants-claimants is as follows:

Income	Rs. 1,800/- per month (as per minimum wages)	Rs. 1,800/- per month
Future prospects	25% (1,800 + 450)	Rs. 2,250/-
Deduction	1/4th (2250-562)	Rs. 1,688/-
Multiplier	13	13
Loss of dependency	Rs. 1,688 x 13 x 12	Rs. 2,63,328/-
Funeral expenses		Rs. 7,500/-
Loss of estate		Rs. 7,500/-
Spousal consortium to claimant No. 1		Rs. 15,000/-
Parental consortium to claimant Nos. 2 to 5.	Rs. 15,000 x 4	Rs. 60,000/-
Compensation awarded by Tribunal	Rs. 1,92,200/-	
Compensation awarded in appeal		Rs. 3,53,328/-
Enhancement of compensation	Rs. 3,53,328/- (awarded in appeal) – Rs. 1,92,200/- (awarded by Tribunal)	Rs. 1,61,128/-

10. Claimants-appellants shall also be entitled to interest @ 7.5% on the enhanced compensation from the date of filing of claim petition till realization. Apportionment and liability of respondents to pay compensation

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integrity of this document

shall be as per the award.

11. The appeal is accordingly allowed in the above terms.

12. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

21.05.2026 **(PARMOD GOYAL)**
manoj **JUDGE**

Whether speaking/reasoned	Yes
Whether reportable	Yes/No