

FAO-3217-2002 (O&M)
Date of decision:10.02.2026

Satnam Kaur (deceased) through L.Rs. and Another	...Appellants
Versus	
Mohan Lal and Others	...Respondents

Present: Mr. Parveen Chauhan, Advocate
for appellant.

Mr. Sandeep Suri, Advocate
for respondent No.3.

Present appeal has been preferred by the claimants-appellants being the parents of the deceased, Jas Pal Singh (hereinafter referred to as the “Deceased”), who died in road accident which took place on 19.01.2000, on account of rash and negligent driving by Respondent No.1 while driving bus bearing registration No. HR02A-8859 (hereinafter referred to as ‘**offending vehicle**’).

3. Learned counsel for the appellants-claimants has challenged the

findings of contributory negligence recorded by the learned Tribunal on the grounds as 33% was deducted in view of contributory negligence on the part of the deceased, apart from seeking enhancement in compensation. It is the case of the appellants-claimants that on 19.01.2000 the deceased was trying to board the offending bus but could not enter the interior portion of the bus and the bus started moving. As the bus moved deceased was dragged with the bus to some distance due to which the deceased fell down on the road.

4. Learned Tribunal framed the following issues:-

- i. Whether the accident resulting into death of Jaspal Singh was caused due to rash and negligent driving of Bus No.HR-02A-8859 by respondent No.1?OPP
- ii. Whether the claimants are the legal heirs of deceased. If so, they are entitled to compensation, how much and from whom? OPP
- iii. Whether the respondent no.1 was not holding a valid driving licence at the time of accident? OPR
- iv. Whether the claim petition is not maintainable? OPR
- v. Relief.

5. The learned Tribunal decided issue No.1 partly in favour of appellants-claimants. It was held that the accident was result of contributory negligence on the part of respondent No.1 on account of his rash and negligent driving and also on the part of deceased, who was also negligent. Respondent No.1 was held liable to the extent of 67% and deceased was held responsible to the extent of 33%. Learned counsel for appellants-

claimants, after arguing for some time has fairly accepted finding of Tribunal on issue No.1 and has not contested the finding of contributory negligence to the extent of 33% on the part of deceased. The conclusion drawn by learned Tribunal that deceased had wrongly tried to board bus in haste which had only stopped for 03 to 04 seconds to drop passengers and that driver had acted in haste to start the bus without waiting for passengers who were boarding, which had resulted in accident, was based on evidence/admission of PW-2, therefore cannot be held perverse or erroneous. Accordingly, finding of learned Tribunal on issue No.1 is affirmed.

6. Learned Counsel for the appellants-claimants has also challenged the quantum of compensation awarded and stated that the deceased was a student of computer engineering studying in the 3rd year. Learned Counsel for the appellants-claimants further asserted that the deceased was earning about Rs.6,000/- per month by providing tuition. That no addition has been made towards future prospects which ought to have been 40% since the deceased was 27 years of age at the time of the accident. It is further asserted that the appropriate compensation needs to be granted under the head funeral expenses, loss of estate and loss of filial consortium in accordance with the law laid down by the Hon'ble Supreme Court.

7. Admittedly, deceased was student of third year in Computer Engineering and was aged 27 years at the time of the accident. Appellants-claimants have claimed that the deceased was earning Rs.5,000/- to Rs.6,000/- by giving tuitions, however, except for oral assertions made by appellants-claimants, no cogent evidence has been placed on record to show

that deceased was earning Rs.6,000/- by imparting tuitions. In absence of any cogent evidence, the monthly income of deceased, who was student of computer engineering and had good potential to earn as highly skilled worker, has to be taken equivalent to highly skilled worker prevalent at the time of accident i.e. Rs.2,610/-. Income of deceased is taken as Rs.2,610/- . Deceased was unmarried and survived by his parents, accordingly, 50% deduction needs to be made towards personal expenses, multiplier of ‘18’ needs to be applied for calculating loss of dependency. Appellants-claimants shall also be entitled to 40% towards future prospects for determining loss of dependency. Appellants-claimants shall also be entitled to Rs.7,500/- each towards funeral expenses and loss of estate. Also amount of Rs.15,000/- each towards filial consortium to appellants-claimants Nos. 1 & 2.

8. Accordingly reworked compensation awarded to appellants-claimants is as follows:-

Income	Rs.2,610/- (as per minimum wages)	Rs.2,610/-
Future Prospects	40% (2610+1044)	Rs.3,654/-
Deduction	1/2th (3654-1827)	Rs.1,827/-
Multiplier	18	18
Total loss of dependency	Rs.1,827x18x12	Rs.3,94,632/-
Loss of Estate		Rs.7,500/-
Funeral Expenses		Rs.7,500/-
Loss of filial consortium to claimant no.1 & 2	Rs.15,000x2	Rs.30,000/-
Amount payable after deduction of 30% towards contributory negligence	4,39,632-1,31,890/-	Rs.3,07,742/-
Total Compensation awarded by the	Rs.1,00,000/-	

Tribunal		
Total Compensation awarded in appeal		Rs.3,07,742/-
Enhanced amount of compensation	Rs.3,07,742 /- (as awarded in appeal)- Rs.1,00,000/- (as awarded by Tribunal)	Rs.2,07,742/-

9. Appellants-claimants shall also be entitled to interest over enhanced amount to the extent of 7.5% from the date of filing of claim petition till its realization. The apportionment and liability of respondents to pay compensation shall be as per award.

10. Appeal is allowed in above terms.

11. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

10.02.2026
Sunil Chander

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