IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

111 **FAO-2838-2001**
Date of decision :12.01.2026

BASANTI DEVI ALIAS KAMLA DEVI .. APPELLANT

VERSUS

BIKRAM SINGH AND ORS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Sandeep Kumar, Advocate
for the appellant in FAO-2838-2001.

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PARMOD GOYAL, J. (ORAL)

1. Present appeal has been preferred by the appellants-claimants, being aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as "Tribunal") vide impugned order dated 19.04.2001, on account of death of Raj Kumar in a motor vehicular accident which had occurred on 06.08.1999 due to rash and negligent driving of tanker bearing no. PBW-6804 by respondent No.1.

2. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal are not being adverted herein for sake of brevity.

3. The Tribunal in the case of Basanti Devi had awarded the following compensation:

Monthly Income	Rs.1,500 /-
Deduction	1/3rd
Multiplier	12

Total loss of dependency	Rs.1,000 x 12 x 12
Amount of compensation	Rs.1,44,000/-

4. Learned counsel for the claimants/appellants have challenged the income of the deceased applied by the learned Tribunal as same is not even as per minimum wages. It is further claimed that no addition has been made towards future prospects which ought to have been 40% inasmuch as the deceased was 18 years of age. The multiplier applied by the Tribunal is 12 whereas keeping in view the age of the deceased the multiplier ought to have been 18. It is further contended by the learned counsel for the appellants-claimants that no amount has been awarded under the conventional heads. That compensation under the head loss of consortium has been granted.

5. Per contra, the learned counsel for the respondent No.3 - Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

6. Learned Tribunal has assessed the income of the deceased to be Rs. 1,500/- per month. Minimum wages prevalent at the time of accident for unskilled worker were Rs.1,851/-. Therefore, in absence of any cogent evidence showing higher income, the income of the deceased is assessed as Rs.1,851/- as per minimum wages prevalent at the time of accident. Admittedly, as per claim petition deceased was aged 18 years and is survived by his mother.

7. The Tribunal has further not made any addition towards future prospects. The deceased was admittedly 18 years of age, hence, as per the law laid down by the Hon'ble Supreme Court in the case of **National Insurance Company Ltd. Vs. Pranay Sethi & Ors;** [(2017) 16 SCC 680], 40% addition is required to be made towards future prospects. Since, the deceased was 18 years of age multiplier of 18 needs to be applied. Since, deceased was unmarried and had mother as his dependent 50% needs to be deducted for personal expenses of deceased while calculating loss of dependency. Further, no amount was awarded under the conventional heads and under the head 'loss of consortium'. Hence, the claimants-appellants would be entitled to Rs. 7,500/- towards loss of estate and Rs.7,500/- towards funeral expenses and the claimant-appellant would also be entitled to Rs. 15,000/- towards loss of consortium.

8. Accordingly, the reworked compensation as under:

Income of deceased	Rs.1,851/- per month	Rs.1,851/- per month
Deduction	50% (1851-925)	Rs.962/-
Future Prospects	40% (926+370)	Rs.1,296/-
Multiplier	18	18
Total Loss of Dependency	1296 x18 x12	Rs. 2,79,936/-
Loss of Estate		Rs. 7,500/-
Funeral Expenses		Rs. 7,500/-
Filial Consortium	Rs.15,000/-	Rs.15,000/-
Compensation awarded by Tribunal	Rs.1,44,000/-	
Compensation awarded in appeal		Rs.3,09,936/-
Enhancement of compensation	Rs.3,09,936 (awarded in appeal) - Rs.1,44,000/- (awarded by Tribunal)	Rs.1,65,963/-

9. The enhanced amount of compensation shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount. Apportionment and liability to pay compensation shall be as per the award. Amount be disbursed to appellant and be not deposited in FDR.

10. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors.** AIR 2025 SC 1713 after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimant within six weeks from today and the apportionment thereof shall be as per the percentage directed by the Tribunal. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimants to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

11. Appeal is accordingly allowed.

(PARMOD GOYAL)
JUDGE

12.01.2026
Ravinder

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No