

2026:PHHC:042486



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

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FAO-2839-2001

Date of decision :18.03.2026

BIASA DEVI

... APPELLANT

VERSUS

BIKRAM SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None for the appellant.

Mr. R.C. Kapoor, Advocate
for the respondent-Insurance Company.

PARMOD GOYAL, J. (ORAL)

1. Present appeal has been preferred by the appellants-claimants, being the parents of deceased Khushal Chand (hereinafter referred to as the 'Deceased') who died in road accident which took place on 06.08.1999, on account rash and negligent driving of tanker bearing no. PBW-6804 by respondent No.1.

2. Being aggrieved by impugned award dated 19.04.2001 passed by the Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as "Tribunal"), vide which the appellants-claimants were found entitled to total compensation of Rs.1,44,000/-, appellants-claimants are seeking enhancement of compensation awarded by the Tribunal as regards to issue of negligence as the same is not accordance to their entitlement.

3. Since the factum of the accident is not in dispute, the facts, as

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negligence are not being adverted herein for sake of brevity.

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

Monthly Income	Rs.1,500 /-
Deduction	1/3 rd
Multiplier	12
Total loss of de- pendency	Rs. Rs.1,44,000/- (1,000 x 12 x 12)

5. Appellants-claimants have sought enhancement of compensation on the ground that income of the deceased was not correctly taken by 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% as the deceased was 21 years of age at the time of accident. 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 also not been granted.

6. 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.

7. 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/-per month. Therefore, in absence of any cogent

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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 21 years and is survived by his parents and was unmarried.

8. The Tribunal has further not made any addition towards future prospects. The deceased was admittedly 21 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 21 years of age multiplier of ‘18’ needs to be applied and since deceased was survived by his parents and was unmarried 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/- each towards loss of filial consortium.

9. 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 De- pendency	1296 x18 x12	Rs. 2,79,936/-
Loss of Estate		Rs. 7,500/-
Funeral Expenses		Rs. 7,500/-
Filial Consortium to	Rs.15,000/-x 2	Rs.30,000/-

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claimant no. 1 & 2		
Compensation awarded by Tribunal	Rs.1,44,000/-	
Compensation awarded in appeal		Rs.3,24,936/-
Enhancement of compensation	Rs.3,24,936 (awarded in appeal) - Rs.1,44,000/- (awarded by Tribunal)	Rs.1,80,936/-

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 shall be as per the award.

11. Appeal is accordingly allowed.

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

18.03.2026
Manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No