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

FAO-2847-2001
Date of Decision: 12.01.2026.

NIRMALA DEVI AND OTHERS

….Appellants

Versus

BIKRAM SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Binat Sharma, Advocate
for the appellant.

Parmod Goyal, J. (Oral)

1. Claimants-appellants have preferred the present appeal being the wife, minor children and mother of the deceased, Sham Lal (hereinafter referred to as the "Deceased"), who died in a motor vehicular accident which took place on 06.08.1999, on account of rash and negligent driving by Respondent No. 1 while driving tanker bearing registration No. PBW-6804.

2. Being aggrieved by the impugned award dated 19.04.2001 passed by the Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as "Tribunal"), vide which the claimants-appellants were found entitled to total compensation of Rs. 1,50,000/-. The claimants-appellants are seeking enhancement in compensation awarded by the Tribunal as the same is not according to their entitlement.

3. 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 to for herein sake of brevity.

4. The Tribunal in the present case has awarded the following compensation:

Monthly Income	Rs. 1,500/-

Deduction	1/3rd
Multiplier	12
Loss of dependency	Rs.1000/- x 12 x12 Rs.1,44,000/-
Last Rites	Rs. 6,000/-
Total Compensation awarded	Rs. 1,50,000/-

5. Claimants-appellants are mainly aggrieved by the wrong application of deduction towards personal expenses, no addition towards future prospects, wrong application of multiplier, non – grant of consortium to all the claimants-appellants. Claimants-appellants are also aggrieved by the non-grant of compensation under conventional heads.

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 30 years and is survived by his wife, minor children and mother i.e claimants No.1 to 5.

7. In the present case, learned Tribunal had applied multiplier of '12' after making deduction of 1/3rd towards personal expenses, as the deceased is survived by 5 dependents. I find merit in the contentions raised on by behalf of the claimants-appellants that learned Tribunal ought to have granted multiplier of '17' as deceased was 30 years as per judgment of Hon'ble

Supreme Court in **Smt. Sarla Verma and Others Vs. Delhi Transport Corporation & Anr**, 2009 (2) SCC (Civil) 770. Tribunal ought to have made deduction to the extent of 1/4th instead of 1/3rd towards personal expenses in view of fact that deceased had 5 dependents. I also find that learned Tribunal has failed to take into consideration future prospects while calculating loss of dependency. Claimants/appellants are entitled to future prospects to the extent of 40% in terms of judgment of Hon'ble Supreme Court in **National Insurance Company Ltd. Vs Pranay Sethi & Ors,** 2017 (16) SCC 680. Claimants-appellants shall also be entitled to compensation of Rs. 7,500/- towards funeral expenses, loss of estate each and Rs. 15,000 /- to each of the claimants-appellants towards loss of spousal, parental and filial consortium.

8. Accordingly, the reworked compensation to which the claimants– appellants are entitled to is as under:

Income	Rs.1,851/- per month (as per minimum wage)	
Future Prospects	40% (1851 + 740)	Rs.2,591/-
Deduction	1/4th (2,591 – 648)	Rs.1,943/-
Multiplier	17	17
Total loss of dependency	Rs. 1,943 x 12 x 17	Rs.3,96,3721/-
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	Rs 15,000/- x 3	Rs. 45,000/-

consortium to claimant Nos. 2 to 4		
Loss of Filial consortium to claimant No.5		Rs. 15,000/-
Total Compensation awarded in appeal		Rs.4,86,372/-
Total Compensation awarded by the Tribunal	Rs. 1,50,000/-	
Enhanced amount of compensation	Rs.4,86,372/- (as awarded in appeal) – Rs.1,50,000/- (as awarded by the Tribunal)	Rs.3,36,372/-

9. 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.

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 respondent No. 3 Insurance Company in the bank account (s) of the claimants-appellants within a period of six weeks from today. The particulars of the bank account (s) along with requisite documents in support thereof shall be furnished by the claimants-appellants to respondent No.3 – Insurance company within a period of two weeks from today and needful shall be done by respondent no.3 – Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest.

11. In view of the above discussion, the award passed by the Tribunal is modified and the present appeal stands allowed accordingly. Pending applications, if any, also stand disposed of.

12.01.2026 **(PARMOD GOYAL)**
Ravinder **JUDGE**

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