



FAO-3038-2001 (O&M) -1-

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-3038-2001 (O&M)
Date of decision:25.02.2026

HARJIT KAUR AND OTHERS

... APPELLANTS

VERSUS

GURCHARAN SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rishav Jain, Advocate
for appellants.Mr. Pardeep Kumar, Advocate
for respondent No.4.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the appellants-claimants being the wife, minor son and daughter and parents of the deceased-Jagtar Singh (hereinafter referred to as the '**deceased**'), who died in motor vehicular accident which took place on 14.07.1997, on account of rash and negligent driving by respondent No.1 while driving truck bearing registration No. PJV-9177.

2. Being aggrieved by the impugned award dated 19.05.2000, passed by the Motor Accident Claims Tribunal, Sangrur (hereinafter referred to as '**Tribunal**'), vide which the appellants-claimants were found entitled to total compensation of Rs.5,18,400/-, the appellants-claimants are seeking enhancement of compensation awarded by the Tribunal as the same is not accordance with their entitlement.

3. Since in present appeal the only issue raised by appellants-claimants is as regards to quantum of compensation and there is no appeal or cross-objection preferred by respondents to challenge manner of accident, the detailed facts as regards to manner of accident are not being noticed for the sake of brevity.

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

Income of deceased	Rs.4,000/- per month
Deduction 1/3 rd (4,000-1,333)	Rs.2,700/-
Multiplier	16
Total loss of Income & awarded compensation	Rs. 5,18,400/- (2,700 x12 x 16)

5. Learned Counsel for claimants-appellants have sought enhancement in compensation on following grounds that:

- Future prospects were not added while determining loss of dependency. Future prospects to the extent 40% of monthly income needs to be added as the deceased was 35 years of age at the time of accident.
- Deduction towards personal expenses of deceased were taken as 1/3rd, whereas it ought to be 1/4th as deceased is survived by five dependents-wife, two minor children and parents.
- Appropriate compensation amount needs to be granted under the heads loss of consortium, funeral expenses and loss of estate in accordance with law laid down by Hon’ble Supreme Court.

6. *Per contra*, learned counsel for respondent No.3 has argued that

sufficient amount has already been given as compensation in the present case and there is no scope of any enhancement.

7. In the present case, since no challenge has been made by the learned counsel for the claimants-appellants to the income of the deceased as assessed by the Tribunal, the same is accordingly upheld. The Tribunal has not made any addition towards loss of future prospects. Since the deceased in the present case was 35 years of age, an addition of 40% would be applicable as per the law laid down by Hon’ble Supreme Court in case of *National Insurance Company Ltd. Vs. Pranay Sethi & Ors* 2017(16) SCC 680. The deduction at the rate of 1/3rd has also been wrongly made, keeping in view the number of dependents i.e. five the deduction ought to have been 1/4th and accordingly will be applied. In the present case the Claimants-appellants shall also be entitled to compensation of Rs. 7,500/- towards funeral expenses, Rs. 7,500/- loss of estate and Rs. 15,000/- each towards spousal consortium, filial and parental consortium.

8. Accordingly, the reworked compensation payable to appellants-claimants is as under :-

Income of deceased	Rs.4,000/- per month	Rs.4,000/- per month
Deduction	1/4 th (4000-1000)	Rs.3,000/-
Future Prospects	40% (3000+1200)	Rs.4,200/-
Multiplier	16	16
Total loss of dependency	Rs.4,200x16x 12	Rs.8,06,400/-
Loss of estate		Rs.7,500/-

Funeral expenses		Rs.7,500/-
Spousal consortium to Claimant No.1		Rs.15,000/-
Parental consortium to Claimant No. 2&3	Rs.15,000x2	Rs.30,000/-
Filial consortium to Claimant No. 4&5	Rs.15,000x2	Rs.30,000 /-
Compensation awarded by Tribunal	Rs. 5,18,400/-	
Compensation awarded in appeal		Rs.8,96,400/-
Enhancement of compensation	Rs.8,96,400/- (awarded in appeal) - Rs.5,18,400 /- (awarded by Tribunal)	Rs. 3,78,000/-

9. Appellants/claimants shall be entitled to enhanced compensation along with 7.5% interest from the date of filing of claim petition till realization of entire amount. Apportionment and liability to pay compensation shall be as per award.
10. Appeal is accordingly allowed in above terms.
11. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

(PARMOD GOYAL)
JUDGE

25.02.2026
Manoj

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No