Gv `IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

215 **FAO-3497-2001 (O&M)**

Date of decision:21.01.2026

Ashvarya and Others … Appellants

Versus

Dharam Raj and Others … Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Gurasis Singh, Advocate for
Mr. Saurabh Dalal, Advocate
for appellants.

Mr. Pardeep Goyal, Advocate
for respondent No.3.

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PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the appellants-claimants being the wife, minor son and mother of the deceased-Pardeep Kumar (hereinafter referred to as the '**deceased'**), who died in a motor vehicular accident which took place on 25.01.2000, on account of rash and negligent driving by respondent No.1 while driving Haryana Roadways bus bearing registration No. HR-46-0265.

2. Being aggrieved by the impugned award dated 25.01.2000, passed by the Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as '**Tribunal**'), vide which the appellants-claimants were found entitled to total compensation of Rs.7,68,000/-, 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.6,000/- per month
Deduction 1/3rd (6,000-2,000)	Rs. 4,000/-
Multiplier	16
Total loss of Income & awarded compensation	Rs. 7,68,000/- (4,000 x12 x 16)

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

- Income of deceased was not correctly taken. That the income of the deceased taken by learned Tribunal is on the lower side. That deceased was 27 years of age at the time of accident working as Sr. Accountant in Ministry of Health and Welfare Department and his monthly salary was Rs. 8,901/-. Ld. Tribunal has erred by deducting allowances of Rs.1,845/- from salary for determining loss of dependency. That income of deceased ought to have been taken as Rs.8901/- per month as proved vide salary certificate Ex. P8.

- Future prospects were not added while determining loss of dependency. Future prospects to the extent 50% of monthly income needs to be added as the deceased was 27 years of age at the time of accident.
- Multiplier applied by learned Tribunal is ‘16’ whereas, keeping in view the age of deceased the multiplier of ‘17’ ought to have been granted.
- Excessive deduction towards personal expences of deceased were deducted while determining dependency. Deduction of Rs. 1,000/- towards transportation in addition to personal expences has wrongly been made as same same was part of personal expences.
- 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. Learned Tribunal has assessed income of deceased as Rs.6,000/- per month after deducting allowances amounting to Rs. 1845/- and thereafter further deducted Rs.1,000/- towards transportation expenses from Rohtak to Delhi, since he used to travel for work. Loss of dependency was assessed as Rs. 4,000/- pm after further deducting 1/3rd of assessed income of Rs. 6,000/-

8. PW4-wife of deceased stated that deceased was working as a Sr.

Accountant in Ministry of Health and Welfare Department and his monthly salary was Rs.8,901/- including basic pay of Rs.5,150 and other allowances like HRS, CCA and TA etc. payable to an employee. Salary certificate Ex.P8 was relied upon by claimants and accepted by Ld. Tribunal. However, a sum of Rs.1,845/- was deducted from his gross salary which was being paid as allowances, therefore, income of deceased was taken to be Rs.7,056/- per month as per salary certificate Ex.P8.

9. On consideration, I find that monthly income for determining dependency has been wrongly taken by the learned Tribunal and needs to be corrected.

10. As per salary certificate Ex. P8 gross salary was ₹ 8,901/- out of which ₹ 1,845/- was paid as allowances. Allowances have wrongly been deducted by Learned Tribunal as they must be taken as part of income as none of them was deductible as per judgement of Hon'ble Supreme Court in **Kavita Devi v. Sunil Kumar**, 2025 AIR SC 3694 wherein it was held that all the allowances forming part of salary and used for family benefit must be included in income. All the allowances mentioned in Ex. P-8 were for benefit of family. Therefore, gross income of deceased for purposes of calculating the dependency has to be taken ₹ 8,901/- before deduction of personal expenses. ₹ 1000 which deceased was incurring on transportation would be taken as part of personal expenses which has to be deducted to the extent of 1/3rd of income as deceased has 3 dependents.

11. Keeping in view the age of deceased, an addition of 50% towards future prospects is warranted and multiplier of 17 ought to be

applied as deceased was 27 years old. Appellants-claimants would be entitled to Rs.7,500/- towards loss of estate and Rs.7,500/- towards funeral expenses and the appellants-claimants would also be entitled to Rs.15,000/- each towards loss of spousal, parental and filial consortium.

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

Income of deceased	Rs.8,901/- per month	Rs.8,901/- per month
Deduction	1/3th Rs. 2,967/-	Rs.5,934/-
Future Prospects	50% (5,934/-2967)	Rs.8901/-
Multiplier	17	17
Total loss of dependency	8,901 x 17x 12	Rs18,15,804/-
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		Rs.15,000/-
Filial consortium to Claimant No. 3		Rs.15,000 /-
Compensation awarded by Tribunal	Rs. 7,68,000/-	
Compensation awarded in appeal		Rs.18,75,804/-
Enhancement of compensation	Rs.18,75,804/- (awarded in appeal) - Rs.7,68,000/- (awarded by	Rs. 11,07,804/-

	Tribunal)	

13. 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.

14. Appeal is accordingly allowed in above terms.

15. Pending application(s), if any, is/are disposed of accordingly.

(PARMOD GOYAL)
JUDGE

21.01.2026
Sunil Chander

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