



FAO-3645-2003

-1-

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

FAO-3645-2003

Date of Decision: 19.01.2026

SWARAN SINGH & ANR.

....Appellants

Versus

NIRBHAI SINGH & ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Surinder Singh Siao, Advocate
for the appellants.

Mr. Ravinder Arora, Advocate
for respondent No.3

Parmod Goyal, J. (Oral)

Present appeal has been preferred by the claimants-appellants being the children of the deceased, Sukhdev Singh (hereinafter referred to as the "Deceased"), who died in a motor vehicular accident dated 10.08.1998, on account of rash and negligent driving of truck bearing registration number No. HR38-B-G/1677 by Respondent No. 1.

2. Being aggrieved by the impugned award dated 05.09.2003, passed by the Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as "Tribunal"), vide which the claimants-appellants were found entitled to total compensation of Rs. 64,000/-, the claimants-appellants are seeking enhancement of compensation awarded by the Tribunal as the same is not accordance with their entitlement.

3. Since the manner and factum of the accident is not in dispute,



the facts, as recorded in the impugned award passed by the Tribunal in this regard are not being adverted to herein for sake of brevity. The Tribunal in the present case had awarded the following compensation:

Income	Rs. 1,000/- per month
Multiplier	5
Loss of dependency	1000x12x5 = Rs. 60,000/-
Last rites	Rs. 4,000/-
Total Compensation awarded	Rs. 64,000/-

4. Learned counsel for the claimants-appellants contended that the income of the deceased has been wrongly assessed as Rs. 1,000/- per month by the Tribunal, as the minimum wage prevalent at the time of the accident was Rs. 4,500/- per month. He further asserts that no addition has been made towards future prospects which ought to be 10% in terms of judgment of Hon'ble Supreme Court in *National Insurance Company Ltd. Vs. Pranay Sethi & Ors.*, 2017 (16) SCC 680. Since the age of the deceased was 60 years, multiplier of '9' ought to have been applied as per the case in *Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.*, 2009 (2) SCC (Civil) 770. It is further the contention of the learned counsel for the appellants that the amounts awarded under the conventional heads as well as under the head 'loss of consortium' are not in accordance with the law laid down by the Hon'ble Supreme Court.

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



6. On consideration in present case, learned Tribunal has wrongly taken income of deceased to be Rs.1,000/- without there being any basis for taking the same. Claimants have claimed that deceased was earning Rs. 20,000/- from agriculture and dairy. However, learned Tribunal has rightly noted that no material is available to conclude vocation and pleaded income. No document showing land holding or animals kept by deceased has been placed on record. In absence of any cogent evidence the income of the deceased has to be taken equal to minimum wages payable to unskilled worker. The minimum wages prevalent at the time of accident were Rs.1,585/- and therefore, Tribunal ought to have taken said minimum wages prevalent at the time of the accident as income of deceased. Accordingly, income of deceased is taken as Rs.1,585/-. Keeping in view the age of the deceased as 60 years an addition of 10% future prospects ought to be taken. It is also not in dispute that deceased is survived by 2 dependants and therefore, the learned Tribunal ought to have taken 1/3rd deduction towards personal expenses. Further, the claimants-appellants would be entitled to Rs. 15,000/- each under the head loss of parental consortium, Rs.7,500/- for funeral expenses and Rs.7,500/- for loss of estate.

7. Accordingly, the reworked compensation is as under:

Income		Rs.1,585/- per month (as per minimum wages)
Future Prospects	10% (1585+158)	Rs. 1,743/-
Deduction	1/3 rd (1743-581)	Rs. 1,162/-
Multiplier	9	9
Total Loss of dependency	Rs. 1,162x9x12	Rs. 1,25,496/-



Loss of Estate		Rs. 7,500/-
Funeral Expenses		Rs. 7,500/-
Loss of parental consortium to claimant nos. 2& 3	Rs. 15,000x2	Rs. 30,000/-
Total compensation awarded by Tribunal	Rs. 64,000/-	
Total Compensation awarded in appeal		Rs. 1,70,496/-
Enhanced amount of compensation	Rs.1,70,496/- (as awarded in appeal) – Rs.64,000/- (as awarded by Tribunal)	Rs. 1,06,496/-

8. Claimants-appellants shall also be entitled to interest at the rate of 7.5% per annum from the date of filing of petition till realization on enhanced compensation. Apportionment and liability to pay compensation shall be as per the award.

9. Appeal is allowed in above terms.

10. Pending application(s) if any, shall stand disposed of.

19.01.2026

Ravinder

**(PARMOD GOYAL)
JUDGE**

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