

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****FAO-3598-2001 (O&M)****Darkali****...Appellant**

Versus

Subhash and others

...Respondents

Reserved on: 06.05.2026**Pronounced on: 11.05.2026****Pronounced fully/operative part: Fully****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Argued by: Mr. S.K. Yadav, Advocate for the appellant.

Mr. Aseem Aggarwal, Advocate
for respondent No.4 – Insurance Company.

DEEPAK GUPTA, J.

The present appeal has been preferred by the claimant seeking enhancement of compensation awarded vide judgment-cum-award dated 17.08.2000 passed by the learned Motor Accident Claims Tribunal, Narnaul.

2. The appellant-claimant is the unfortunate mother of deceased Siya Ram, who lost his life in a motor vehicular accident, which occurred on 14.05.1999. As per the case set up before the Tribunal, the deceased was travelling in bus bearing registration No.HR-47-0902. The said bus was being driven by respondent No.1 in a rash and negligent manner. When the bus reached near Hasanpur Limestone, some passengers requested the driver to stop the vehicle. Though one passenger namely Ranbir Singh had already alighted from the bus, deceased Siya Ram was still in the process of getting down, when respondent No.1 suddenly accelerated the bus without ensuring that the passengers had safely alighted. As a result thereof, Siya Ram fell from the moving bus and sustained multiple grievous injuries. He



was initially taken to General Hospital, Narnaul and thereafter referred to PGIMS, Rohtak, however, he succumbed to the injuries on the way.

3. The deceased was stated to be about 30 years of age and unmarried. The appellant, being his sole surviving dependent mother, instituted a petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation from the driver, owner and insurer of the offending bus.

4. Upon appreciation of the evidence on record, the learned Tribunal returned a categorical finding that the accident occurred due to rash and negligent driving of the offending bus by respondent No.1 and that the said accident resulted in the death of Siya Ram. The Tribunal accordingly awarded compensation to the tune of ₹1,15,200/- along with interest, fastening joint and several liability upon all the respondents. While assessing compensation, the Tribunal assessed the monthly income of the deceased at ₹1,200/-, deducted 1/3rd towards personal expenses and applied the multiplier of 8. No addition towards future prospects was granted and no amount was awarded under the conventional heads.

5. Learned counsel appearing for the appellant has contended that the compensation assessed by the Tribunal is wholly inadequate and contrary to the principles subsequently crystallized by Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi 2017(4) RCR (Civil) 1009, Sarla Verma and others v. Delhi Transport Corporation (2009) 6 Supreme Court Cases 121*** and ***Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram (2018) 18 SCC 130***. It has been argued that even in the absence of direct evidence regarding income, the minimum wages prevailing at the relevant time ought to have been taken into consideration and further that the claimant being the sole dependent



mother was also entitled to consortium and other conventional benefits.

6. On the other hand, learned counsel appearing on behalf of the insurance company has not seriously disputed the applicability of the aforesaid principles of law. However, it has been contended that since the deceased was unmarried, deduction towards personal expenses ought to be 50% instead of 1/3rd.

7. I have heard learned counsel for the parties and have gone through the record with their assistance.

8. The findings recorded by the Tribunal regarding rash and negligent driving of the offending bus by respondent No.1 have attained finality and are not under challenge in the present appeal. Similarly, the liability of the respondents to satisfy the award is also not in dispute. The controversy in the present appeal is confined only to the adequacy of compensation awarded by the Tribunal.

9. It is now well settled that compensation awarded under the Motor Vehicles Act must constitute "just compensation" within the meaning of Section 168 of the Act. The expression "just compensation" has been interpreted by Hon'ble Supreme Court to mean compensation which is fair, reasonable and adequate, neither a bonanza nor a pittance. The Court, while determining compensation, is required to adopt a pragmatic and realistic approach so as to compensate the dependents for the pecuniary loss suffered on account of untimely death of the victim.

10. In the present case, though there is no cogent evidence regarding the exact earnings of the deceased, yet the Tribunal was not justified in assessing the monthly income at a meagre sum of ₹1,200/-. In the absence of direct proof of income, the minimum wages notified by the Government provide a safe and reliable yardstick for assessment of income.



The minimum wages applicable at the relevant time i.e. with effect from 01.01.1999 were ₹1,900/- per month. Accordingly, the monthly income of the deceased is assessed at ₹1,900/-, making his annual income ₹22,800/-.

11. Since the deceased was admittedly 30 years of age at the time of death, addition towards future prospects is liable to be granted in view of the law laid down in ***Pranay Sethi (supra)***. As the deceased was below 40 years of age, an addition of 40% towards future prospects is required to be made. Consequently, the annual income of the deceased after addition of future prospects comes to be ₹31,920/-.

12. Further, the deceased was unmarried and the appellant-mother is the sole claimant. In such circumstances, deduction towards personal and living expenses is liable to be assessed at 50% in view of the ratio laid down in ***Sarla Verma (supra)***. After making the said deduction, the annual contribution to the family comes to ₹15,960/-.

13. So far as the multiplier is concerned, the age of the deceased being 30 years, the appropriate multiplier applicable would be 17 in terms of the principles laid down in ***Sarla Verma (supra)***. Accordingly, the total loss of dependency is assessed at $₹15,960 \times 17 = ₹2,71,320/-$.

14. The claimant is also entitled to compensation under the conventional heads. In view of the law laid down in ***Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram (supra)***, parental consortium is payable to the mother of the deceased. However, keeping in view the fact that the accident pertains to the year 1999 and the award was passed in the year 2000, compensation under the conventional heads deserves to be suitably moderated. Accordingly, the appellant is held entitled to ₹20,000/- towards loss of parental consortium, ₹10,000/- towards funeral expenses and ₹10,000/- towards loss of estate.



15. The compensation payable to the appellant is thus re-assessed as under:-

Head of Compensation	Amount
• Annual income	₹22,800/-
• Addition of 40% future prospects	₹9,120/-
• Total annual income	₹31,920/-
• 50% deduction towards personal expenses	₹15,960/-
• Annual dependency	₹15,960/-
• Total Loss of dependency with Multiplier of 17	₹2,71,320/-
• Loss of parental consortium	₹20,000/-
• Funeral expenses	₹10,000/-
• Loss of estate	₹10,000/-
Total Compensation	₹3,11,320/-

16. Since the Tribunal has already awarded a sum of ₹1,15,200/-, the appellant shall be entitled to enhanced compensation of ₹1,96,120/-.

17. Consequently, the present appeal is partly allowed. The award dated 17.08.2000 passed by the learned Motor Accident Claims Tribunal, Narnaul is modified to the extent that the appellant-claimant shall be entitled to enhanced compensation of ₹1,96,120/- over and above the amount already awarded by the Tribunal. The enhanced amount shall carry interest @7.5% per annum from the date of filing of the claim petition till actual realization. The liability of the respondents shall remain joint and several, as determined by the Tribunal.

18. The appeal stands disposed of in the aforesaid terms.

11.05.2026
Yogesh

(DEEPAK GUPTA)
JUDGE

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

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