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

FAO-3662-2001

Date of Decision: 21.01.2026

BALDEV SINGH AND ORS.

....Appellants

Versus

LABH SINGH AND ANR.

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Shailendra Sharma, Advocate for the appellants.

Mr. Amit Jaiswal, Advocate for respondent No.2

Parmod Goyal, J. (Oral)

Present appeal has been preferred by the appellants/claimants i.e. parents, wife and two children, being aggrieved by the award of compensation of Rs. 3,89,000/- vide impugned award dated 28.03.2001 passed by the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as “Tribunal”), on account of death of Satpal Singh in motor vehicular accident which had taken place on 31.07.1999 due to rash and negligent driving of bus bearing registration No.UP-07B-6755 by respondent No.1.

2. Learned Tribunal had awarded following compensation to the appellants/claimants :-

Income	Rs. 5,000/- per annum
Deduction	1/5 th



	Rs. 4,000/-
Multiplier	16
Total loss of dependency	Rs.7,68,000/- (4,000 x 16 x 12)
Half Deduction on account of contributory negligence	Rs. 3,84,000/-
Loss of spousal consortium	Rs. 3,000/-
Funeral expenses	Rs. 2,000/-
Total compensation awarded	Rs. 3,89,000/-

3. Since 50% of granted compensation was deducted in view of contributory negligence on the part of deceased, learned counsel for appellants/claimants has challenged finding of contributory negligence. As per appellants/claimants accident had taken place on 31.07.1999 at about 6:30 PM when deceased Satpal Singh was going towards Ambala Cantt. from Jagadhri in matador bearing No.HR-01F-2865. PW1 (eye-witness) had asserted that deceased was driving matador at moderate speed of 30-35 km per hour and was on extreme left side of the road. When matador reached near industrial area Ambala Cantt., a cow suddenly came on the road. To save the cow, Satpal Singh took a small turn towards middle of the road and in the meantime offending bus No.UP-07B-6755 came from the opposite side at very fast speed. It was being driven rashly and negligently and offending driver had no control and had dashed his bus in the matador driven by deceased.



4. The manner of accident as stated by PW1 was refuted and challenged by driver/respondent No.1 while appearing as RW1. He claimed that he was driving bus at moderate speed, however, matador was being driven rashly and negligently at high speed. That driver of matador was not in control of his vehicle and rammed matador in bus.

5. Therefore, on consideration of assertions made by PW-1 on one hand and that of RW-1 on the other hand it is clearly made out that both sides are passing their responsibility of accident on other side. On the appreciation of evidence of both the witnesses, it is clearly made out without there being any dispute that accident was head on as both the vehicles were coming from opposite directions. On one hand, PW-1 has stated that it was respondent No.1, who was driving his vehicle at high speed and had caused the accident by his rash and negligent driving and on the other hand, RW-1 stated that it was matador, which was being driven by deceased in rash and negligent manner and which came from opposite side and struck against his vehicle. However, further perusal of testimony of PW-1 goes to show that PW-1, while describing manner of accident, has admitted that though deceased was driving his vehicle on left side but on account of cow coming in front of his vehicle, he had taken a turn towards right and came in the middle of the road, resulting in head on collision between both the vehicles, one driven by deceased and another driven by respondent No.1. The manner described by PW-1, therefore, clearly shows that accident could have been avoided if deceased had not taken his vehicle in the middle of the road to save the cow. Therefore, the act of deceased clearly shows that deceased had also contributed in causing the accident which was avoidable if both the



drivers were more vigilant and had struck to their left side. Hence, I do not find any error in the finding recorded by learned Tribunal as regards to contributory negligence on the part of matador driver i.e. deceased and on the part of respondent No.1. Finding of contributory negligence arrived at by learned Tribunal is upheld.

6. Learned counsel for the appellants/claimants has also challenged the quantum of compensation and asserted that the income of the deceased taken by learned Tribunal is on the lower side. Tribunal ought to have taken it as Rs. 8,000/- as proved by evidence. It is also asserted that no addition has been made towards future prospects which ought to have been 40% as the deceased was 34 years of age at the time of accident and the deduction towards personal expenses has also been wrongly taken. The multiplier applied by the Tribunal is 16 whereas, keeping in view the age of the deceased the multiplier ought to have been 17. It is further asserted that the 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.

7. *Per contra*, learned counsel for the respondent No.2 has argued that sufficient amount has already been given as compensation in the present case and that there is no scope of any enhancement.

8. Appellants/claimants had pleaded that deceased was earning Rs.6,000/- per month. Rs.3,000/- as salary while working as driver and Rs.3,000/- from agricultural work. Learned Tribunal assessed income of the deceased to be Rs.5,000/ per month. For purpose of determining loss of dependency income on account of managerial skills out of agricultural



income only has to be considered, therefore, I find that determination of monthly income by the learned Tribunal cannot be faulted with. Perusal of records goes to show that there is no evidence justifying conclusion that deceased was earning Rs.7,000/- to 8,000/- per month which was asserted beyond pleadings in evidence. The oral assertions regarding the income of the deceased have rightly been appreciated. Admittedly, as per the claim petition deceased was 34 years old at the time of accident and survived by five dependents.

9. Learned Tribunal has not made any addition towards future prospects. The deceased was 34 years old, hence, as per law laid down by Hon'ble Supreme Court in the case of **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.**, 2017 (16) SCC 680, 40% addition is required towards future prospects. Keeping in view the age of deceased, learned Tribunal has rightly assessed multiplier of 16 as per the age of the deceased. Since, deceased was survived by five dependents, 1/4th deduction has also been rightly applied to assess loss of dependency. 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.

10. Accordingly, the reworked compensation as under :-

Income of deceased	Rs.5,000/- per month	Rs.5,000/- per month
Deduction	1/4 th (5,000-1,250)	Rs.3,750/-
Future Prospects	40% (3,750 + 1,500)	Rs.5,250/-
Multiplier	16	16



Total loss of dependency	5,250 x 16 x 12	Rs.10,08,000/-
Loss of estate		Rs.7,500/-
Funeral expenses		Rs.7,500/-
Filial consortium to Claimant nos. 1 and 2	15,000 x 2	Rs.30,000/-
Spousal consortium to Claimant no. 3		Rs.15,000/-
Parental consortium to Claimant nos. 4 and 5	15,000 x 2	Rs.30,000/-
Amount payable after deduction of 50% towards contributory negligence	Rs.10,98,000/- – Rs.5,49,000/-	Rs.5,49,000/-
Compensation awarded by Tribunal	Rs.3,89,000/-	
Compensation awarded in appeal		Rs.5,49,000/-
Enhanced compensation payable	Rs.5,49,000/- - (awarded in appeal)- Rs.3,89,000/- (awarded by Tribunal)	Rs. 1,60,000/-

11. The appellants/claimants shall also be entitled to 7.5% per annum from the date of filing of claim petition till realization on enhanced compensation. Apportionment and liability to pay compensation shall be as

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per award.

12. Appeal is accordingly allowed in above terms. Pending application(s), if any, is/are disposed of accordingly.

(PARMOD GOYAL)**JUDGE**

21.01.2026

chiranjeev

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No