

2026:PHHC:042568



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

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**FAO-3700-2001 (O&M)
Date of decision :18.03.2026**

HARJIT KAUR AND OTHERS

... APPELLANTS

VERSUS

CHARAN LAL AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Ms. Gurleen Kaur, Advocate for
Mr. L.S. Virk, Advocate
for the appellant.

PARMOD GOYAL, J. (ORAL)

1. Respondent No. 2 could not be served for want of correct address.
2. Learned counsel for the appellants submits that no other address is available and respondent No. 2 is not required for disposal of the present case, as the liability has been fastened upon respondents No. 1 to 3 jointly and severally, and respondent No. 3 has already been duly served in the present appeal. Therefore, service upon respondent No. 2 be dispensed with at this stage.
3. For the reasons stated above, service upon respondent No. 2 is dispensed with.
4. Claimants-appellants have preferred the present appeal being the wife and five minor children of the deceased, Karnail Singh (hereinafter referred to as the "Deceased"), who died in a road accident which took place on 01.06.1997, on account of rash and negligent driving by respondent No. 3 while

5. Being aggrieved by the impugned award dated 07.12.2000 passed by the Motor Accident Claims Tribunal, Ferozepur (hereinafter referred to as “Tribunal”), vide which the claimants-appellants were found entitled to total compensation of Rs. 1,65,500/- (Rs.1,51,000/- towards loss of dependency and other heads and Rs.14,000/- towards damage of the truck of the deceased). The claimants-appellants are seeking enhancement of compensation awarded by the Tribunal as the same is not according to their entitlement.

6. Since the factum of the accident is not in dispute, the facts as regards to manner of accident, as recorded in the impugned award passed by the Tribunal are not being adverted herein for sake of brevity.

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

Income	Rs.3,500/-per month
Deduction	1/3 rd
Loss of dependency and compensation under other heads	Rs. 1,46,000/-
Funeral expenses	Rs.5,000/-
Compensation towards damage of the truck	Rs.14,000/-
Total compensation awarded	Rs.1,65,000/-

8. Learned counsel for appellants-claimants have sought enhancement of compensation on following grounds that:-

- Future prospects were not added while determining loss of dependency. Future prospects to the extent 25% of monthly income needs to be added as the deceased was 42 years of age at the time of accident.

- Keeping in view age of the deceased multiplier of '14' ought to be applied to calculate loss of dependency.
- Deduction towards personal expenses of deceased were taken as 1/3rd, whereas it ought to be 1/4th as deceased is survived by six dependents-wife and five minor children.
- Appropriate amount of compensation amount needs to be granted under the head funeral expenses, loss of estate and loss of spousal and parental consortium in accordance with law laid down by Hon'ble Supreme Court.

9. Learned Tribunal has assessed the income of the deceased to be Rs.3,500/- per month. Claimants-appellants claimed that deceased was owner of a truck and was earning Rs.15,000/- per month. However, except for oral assertions, no cogent documentary evidence was produced to show that deceased was earning Rs.15,000/- per month. Even income tax returns of deceased were not placed on record to justify his income as owner of the truck especially when income above Rs. 40,000/- in the year 1997 was taxable. Claimants-appellants have therefore failed to prove income of deceased as pleaded. Moreover claimant while appearing as witness had admitted that she is earning Rs. 6,000/- to Rs. 7,000/- from truck, which shows only loss of managerial skills of deceased. Therefore, assumption regarding income of deceased was rightly made by learned Tribunal taking into consideration income tax threshold of Rs. 40,000/- by taking deceased to be owner of truck and earning therefrom.

10. Income of deceased as Rs.3,500/- per month assessed by learned Tribunal is upheld. In the present case, learned Tribunal has applied multiplier of '12' after making deduction of 1/3rd towards personal expenses. Admittedly, as per claim petition deceased was aged 42 years and is survived by his wife and

five children i.e claimants- appellants No. 1 to 6. Keeping in view age of the deceased multiplier of ‘14’ ought to be applied and deduction of 1/4th has to be made towards personal expenses as the deceased is survived by six dependents. I find that learned Tribunal has failed to take into consideration future prospects while calculating loss of dependency. Claimants/appellants are entitled to future prospects to the extent of 25% in view of age of deceased in terms of judgment of Hon’ble Supreme Court in **National Insurance Company Ltd. Vs Pranay Sethi & Ors**, 2017 (16) SCC 680. The claimants – appellants shall be entitled to deduction of 1/4th as the deceased is survived by six dependents wife and five children. Since the age of the deceased was 42 years at the time of accident multiplier ought to ‘14’. Claimants-appellants shall also be entitled to compensation of Rs.7,500/-each towards funeral expenses and loss of estate and Rs.15,000 /- to each of the claimants-appellants towards loss of spousal and parental consortium.

11. Accordingly, the reworked compensation to which the claimants– appellants are entitled to is as under:

Income	Rs.3,500/- per month	Rs.3,500/- per month
Future Prospects	25% (3500+875)	Rs.4,375/-
Deduction	1/4 th (4375-1094)	Rs.3,281/-
Multiplier	14	14
Total loss of dependency	Rs.3,281x12x14	Rs.5,51,208/-
Loss of Estate		Rs. 7,500/-
Funeral Expenses		Rs. 7,500/-

Loss of Spousal Consortium to claimant No. 1		Rs. 15,000/-
Loss of Parental consortium to claimant nos. 2 & 3	Rs.15,000x5	Rs.75,000/-
Total Compensation awarded in appeal		Rs.6,56,208/-
Total Compensation awarded by the Tribunal	Rs.1,65,000/-	
Enhanced amount of Compensation	Rs.6,56,208/-(as awarded in appeal)- Rs.1,65,000/-(as awarded by Tribunal)	Rs.4,91,208/-

12. Claimants-appellants shall also be entitled to interest @ 7.5% on the enhanced compensation from the date of filing of claim petition till realization. Apportionment and liability of respondents to pay compensation shall be as per the award.
13. In view of the above discussion, the award passed by the Tribunal is modified and the present appeal stands allowed accordingly.
14. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

18.03.2026
Manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No