2026:PHHC:045636

IN THE HIGH COURT OF PUNJAB & HARYANA HIGH COURT AT CHANDIGARH

(238) **FAO-5751-2002**
Date of decision:- 23.03.2026

CHAMPA DEVI & ORS.

... Appellants

Versus

BALWINDER KUMAR & ORS.

... Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present:- Ms. Ekta Thakur, Advocate
for the appellants (through video conferencing).

Mr. V.K. Garg, Advocate
for respondent No.3.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the appellants-claimants being the wife, two children and mother of the deceased Inderjit Singh (hereinafter referred to as the '**deceased**'), who died in motor vehicular accident which took place on 16.01.2001, on account of rash and negligent driving by respondent No.1 while driving Maruti zen car bearing registration No. CH-03-A-8474.

2. Being aggrieved by the impugned award dated 13.09.2002, passed by the Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as '**Tribunal**'), vide which the appellants-claimants were found entitled to total compensation of Rs.2,00,000/-, 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.1,900- per month
Deduction	$1/3^{rd}$
Multiplier	13
Loss of dependency	Rs.1,95,000/-
Funeral expenses	Rs.5,000/-
Total compensation awarded	Rs.2,00,000/-

5. Learned counsel for the appellants-claimants has challenged findings of learned Tribunal vide which learned Tribunal had assessed the monthly income of deceased to be Rs.1,900/- per month taking him as an unskilled worker.

6. It is the case of appellants-claimants that deceased was a trained pharmacist having diploma degree in pharmacy and registration certificate of D.E.M.S. The appellants – claimants in order to prove vocation as well as income of deceased, had duly placed on record income tax returns Ex.P-3 and P-4, registration certificate of D.E.M.S as Ex.P-5 and certificate of diploma in pharmacy as Ex.P-6. The learned Tribunal has given no reasons for rejecting documents relied upon by appellants-claimants. In fact, there is no rebuttal from respondent side as to raise any doubt over documents Ex.P-3 to P-6. Income tax returns, Ex P-3 and P-4, are duly supported by certificate of

diploma in pharmacy, Ex.P-6, which clearly shows that deceased was a trained pharmacist and had registration certificate of D.E.M.S in his name. Deceased was an income tax payee and had regularly filed his returns.

7. In these circumstances, the appellants-claimants have succeeded in proving vocation as well as income of deceased by leading cogent evidence on the standard of proof i.e. preponderance of probability as applicable in motor accident claim cases. Accordingly, income of deceased is taken as stated in income tax returns, Ex. P-3 and P-4, to be Rs.45,280/- annually.

8. In the present case, admittedly deceased had four dependents i.e. wife, two minor children and mother and was aged 32 years. Accordingly, for purposes of calculating loss of dependency appellants-claimants are entitled to 40% addition towards future prospects in view of judgment of **National Insurance Company Ltd Vs. Pranay Sethi & Ors.** 2017 (16) SCC 680. Keeping in view age of deceased, multiplier of '16' would be applicable and since deceased is survived by four dependents i.e. wife, mother and two children, personal expenses of 1/4th shall be deducted from the income of deceased. Appellants- claimants shall also be entitled to compensation of Rs.7,500/- each for loss of estate and for funeral expenses. Under the head loss of consortium appellants- claimants shall be entitled to Rs.15,000 each on account of spousal, filial and parental consortium

9. Accordingly, the reworked compensation is as under:

Income	Rs.3,773/- per month Rs.45,280/- annually	Rs.3,773/- per month
Future Prospects	40% (3773+1509)	Rs.5,282
Deduction	$1/4^{th}$ (5282-1321)	Rs.3,961/-

Multiplier	16	16
Total Loss of dependency	Rs.3,961x12x16	Rs.7,60,512/-
Loss of Estate		Rs. 7,500/-
Funeral Expenses		Rs. 7,500/-
Loss of filial consortium to claimant no. 1		Rs. 15,000/-
Loss of spousal consortium to claimant no.2		Rs.15,000/-
Loss of parental consortium to claimant nos. 3& 4	Rs.15,000/-x2	Rs.30,000/-
Total compensation awarded by Tribunal	Rs.2,00,000/-	
Total Compensation awarded in appeal		Rs.8,35,512/-
Enhanced amount of compensation	Rs.8,35,512/- (as awarded in appeal) – Rs.2,00,000/- (as awarded by Tribunal)	Rs.6,35,512/-

10. Appellants – claimants shall also be entitled to interest over enhanced amount to the extent of 7.5% from the date of filing of claim petition till its realization. The apportionment and liability of respondents to pay compensation as per the award.

11. Present appeal is allowed in above terms. Pending application(s) if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

23.03.2026
parul verma

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

PARUL VERMA
2026.03.30 17:08
I attest to the accuracy and authenticity of this order/judgment.