IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

225 **FAO-4153-2001**
Date of Decision: 22.01.2026

MANI RAM AND OTHERS ...APPELLANTS

VERSUS

ANIL AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. S.P. Arora, Advocate and
Ms. Muskan, Advocate
for the appellants.

Mr. Lalit Garg, Advocate
for the respondent-Insurance Company.

PARMOD GOYAL, J. (ORAL)

1. The appellants-parents of deceased Ram Niwas being aggrieved by the quantum of compensation awarded by the learned Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as 'Tribunal'), vide award dated 12.12.2000, whereby the appellants-claimants were held entitled to total compensation of Rs. 1,20,000/-, have filed present appeal.

2. It was the case of the appellants-claimants that deceased Ram Niwas, aged about 22 years, died on account of rash and negligent driving of Tractor No. HR-36-B-6604 by respondent No. 1. Since the issue regarding the manner of accident is not under challenge and no appeal has been preferred by the respondents, the detailed facts relating to the occurrence/accident are not being adverted herein for the sake of brevity.

3. The appellants-claimants sought compensation on the ground that the deceased was 22 years of age and was earning Rs. 5,000/- per month

from agriculture and dairy farming, and that both the appellants-claimants, being his parents, were wholly dependent upon him. There is no rebuttal with regard to the age of the deceased or to the fact that the appellants-claimants are the parents of the deceased. However, the learned Tribunal had assessed the income of the deceased at Rs. 1,800/- per month as against Rs. 5,000/- per month as pleaded by the appellants-claimants.

4. On consideration of the evidence led by the appellants-claimants, it is clearly made out that the appellants-claimants have failed to prove the pleaded income and vocation of the deceased. Except for self-serving oral assertions that the deceased was earning Rs. 5,000/- per month from agriculture and dairy farming, no substantive or corroborative evidence has been placed on record in support of the said assertions. No material whatsoever has been produced to justify a higher income equivalent to Rs. 5,000/- per month. Therefore, in the present case, the income of the deceased ought to have been assessed on the basis of minimum wages payable to an unskilled worker. The minimum wages applicable in the year 2000 for an unskilled worker were Rs. 1,905/- per month. Accordingly, the monthly income of the deceased is assessed at Rs. 1,905/- instead of Rs. 1,800/- per month as taken by the learned Tribunal.

5. As per the appellants-claimants, the deceased was 22 years old, whereas as per the post-mortem report, his age was mentioned as 24 years. Thus, the deceased is taken to be in the age group of 21 to 25 years, for which the appropriate multiplier is of 18.

6. Since the deceased was unmarried and the appellants-claimants

are his parents, deduction towards personal and living expenses is required to be made. Following the settled law, deduction to the extent of 50% is applied. While calculating the loss of dependency, addition towards future prospects is required to be made in view of the law laid down by the Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi and others,** 2017 (4) RCR (Civil) 1009. Keeping in view the age of the deceased, an addition of 40% towards future prospects is warranted.

7. The appellants-claimants shall also be entitled to compensation under conventional heads, namely Rs. 7,500/- towards funeral expenses, Rs. 7,500/- towards loss of estate, and Rs. 15,000/- each towards filial consortium payable to both parent in terms of settled law.

8. Accordingly, the claimants-appellants shall be entitled to the following compensation:

Income	Rs. 1,905/- (as per minimum wages	Rs. 1,905 p.m.
50% Deduction	(Rs. 1,905-952)	Rs. 953/-
40% future prospects	Rs. 953+381	Rs. 1,334/-
Multiplier	18	18
Loss of dependency	1,334 x 18 x 12	Rs. 2,88,144/-
Funeral Expenses		Rs. 7,500/-
Loss of estate		Rs. 7,500/-
Filial consortium to claimant Nos. 1 and 2	Rs. 15,000 x 2	Rs. 30,000/-
Compensation awarded by Tribunal	Rs. 1,20,000/-	

Compensation awarded in appeal		Rs. 3,33,144/-
Enhancement of compensation	Rs. 3,33,144/- (awarded in appeal)- Rs. 1,20,000/- (awarded by Tribunal)	Rs. 2,13,144/-

9. The appellants–claimants shall also be entitled to interest at the rate of 7.5% per annum on the enhanced amount from the date of filing of the claim petition till its realization. The apportionment of compensation and the liability to satisfy the award shall remain the same as determined by the learned Tribunal, with liberty to the Insurance Company to pay the compensation in the first instance and thereafter recover the same, in accordance with law.

10. Accordingly, the appeal stands allowed accordingly.

11. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

(PARMOD GOYAL)
22.01.2026 **JUDGE**
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Whether Speaking/Reasoned : Yes
Whether Reportable : Yes/No