

FAO-4173-2001 (O&M)

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

105+210

FAO-4173-2001 (O&M)

Date of decision :27.01.2026

PIARO (SINCE DECEASED) THROUGH LRS. ... APPELLANTS

VERSUS

DELHI TRANSPORT CORPORATION AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Mohit Rana, Advocate (through V.C.)
for the appellant(s).

Mr. Gopal Mittal, Advocate
for the respondent-Insurance Company.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the appellants-claimants being wife, son and daughter of the deceased-Narota Singh (hereinafter referred to as the '**deceased**'), who died in motor vehicular accident which took place on 23.11.1999, on account of rash and negligent driving by respondent No.1 while driving Haryana Roadways bus bearing registration No. DL-1PA/2976.

2. Being aggrieved by the impugned award 24.01.2000, passed by the Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as 'Tribunal'), vide which the appellants-claimants were found entitled to total compensation of Rs.1,40,000/-, 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-



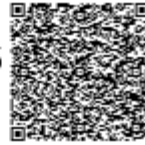
claimants is as regards to quantum of compensation and there is no appeal or cross-objection preferred by respondents to challenge manner of accident, the detailed facts as regards to manner of accident are not being noticed for the sake of brevity.

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

Income of deceased	Rs.1,500/- per month
Deduction 1/3 rd (1,500-500)	Rs. 1,000/-
Multiplier	12
Total loss of Income & awarded compensation	Rs. 1,44,000/- (1,000x12 x 12)

5. Ld. Counsel for claimants-appellants have sought enhancement in compensation on following grounds that :

- Income of deceased was not correctly taken. That the income of the deceased taken by learned Tribunal is on the lower side. That deceased was 47 years of age at the time of accident working as labour Contractor in D.C.M factory at Asron and his monthly income was Rs. 6,000/-. Ld. Tribunal has erred by deducting allowances of Rs.500/- from salary for determining loss of dependency.
- 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 47 years of age at the time of accident.
- Multiplier applied by learned Tribunal is ‘12’ whereas, keeping in view the age of deceased the multiplier of ‘13’ ought to have been granted.



- Appropriate compensation amount needs to be granted under the head loss of consortium, funeral expenses and loss of estate in accordance with law laid down by Hon'ble Supreme Court.

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

7. PW2-wife of deceased stated that deceased was working as a laborer in D.M.C factory at Asron and his earning was Rs.6,000/- per month. Learned Tribunal has assessed income of deceased as Rs.1,500/- per month. In order to prove income of deceased appellants/claimants have only relied upon oral assertions. No corroborative material was placed on record to show that deceased was earning Rs.6,000/- per month.

8. On consideration, I find that monthly income for determining dependency has been wrongly taken by the learned Tribunal and needs to be enhanced. Income of deceased ought to have been taken Rs. 1,749/- as per the minimum wages payable to unskilled worker prevalent at the time of accident. Loss of dependency has been rightly assessed as 1/3rd since deceased was survived by three dependents namely wife, son and daughter of the deceased.

9. Keeping in view the age of deceased, an addition of 25% towards future prospects is warranted and multiplier of '13' ought to be applied as deceased was 47 years old. 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 and parental consortium.



claimants is as under :-

Income of deceased	Rs.1,749/- per month	Rs.1,749/- per month
Deduction	1/3 th (1,749-583)	Rs1,166/-
Future Prospects	25% (1,166+291)	Rs.1,457/-
Multiplier	13	13
Total loss of dependency	Rs. 1,457x 13x 12	Rs.2,27,292/-
Loss of estate		Rs.7,500/-
Funeral expenses		Rs.7,500/-
Spousal consortium to Claimant No.1		Rs.15,000/-
Parental consortium to Claimant Nos. 2 and 3	Rs.15,000/-x 2	Rs.30,000/-
Compensation awarded by Tribunal	Rs. 1,40,000/-	
Compensation awarded in appeal		Rs.2,87,292/-
Enhancement of compensation	Rs. .2,87,292/- (awarded in appeal) - Rs.1,40,000/- (awarded by Tribunal)	Rs.1,47,292/-

11. Appellants/claimants shall be entitled to enhanced compensation of Rs.1,47,292/- along with 7.5% interest from the date of filing of claim petition till realization of entire amount. Apportionment and liability to pay compensation shall be as per award.

12. Appeal is accordingly allowed in above terms.



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

27.01.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No