IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

222 **FAO-4423-2001**
Date of decision :18.03.2026

RAJINDER KAUR AND OTHERS ... APPELLANTS

VERSUS

BANT SINGH AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rishab Kumar Jain, Advocate
for the appellants.

Mr. R.S. Dhillon, Advocate for
Mr. Prateek Sodhi, Advocate
for respondent No. 1.

Mr. Vinod Gupta, Advocate
for the respondent-Insurance Company

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PARMOD GOYAL, J. (ORAL)

1. Present appeal has been preferred by the appellants-claimants being the wife, children and mother of the deceased Sukhdev Singh (hereinafter referred to as the ‘deceased’), who died in road accident which took place on 12.02.1998, on account of rash and negligent driving of respondent no. 1 while driving Truck bearing registration No. PB-13B-0128.

2. Being aggrieved by impugned award dated 05.02.2001 passed by the Motor Accident Claims Tribunal, Barnala (hereinafter referred to as ‘Tribunal’), vide which the appellants-claimants were found entitled to total compensation of Rs.3,07,000/-, appellants-claimants are seeking enhancement of compensation awarded by the Tribunal on issue of negligence as the same is

not according to their entitlement.

3. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal on issue of negligence are not being adverted herein for sake of brevity.

4. The Learned Tribunal had awarded the following compensation to the appellants-claimants;

Monthly Income	Rs.2,400/- per month
Deduction	1/3rd
Multiplier	16
Total loss of dependency	Rs.3,07,000/-

5. It is the case of the appellants-claimants that the deceased was working as a Paledar at Tapa and earning ₹5,000/- per month. In order to prove the income of the deceased, the appellants-claimants had examined witness from the office of the Provident Fund Commissioner, who duly placed on record Exhibits PB and PC, charts showing the amount paid to the deceased as remuneration.

6. The learned Tribunal duly noticed and took into consideration Exhibits PB and PC and concluded that the income reflected therein was fluctuating in nature, making it difficult to determine the exact monthly income of the deceased on a regular basis. However, the learned Tribunal treated the deceased as a skilled worker, considering his occupation as a Paledar, and assessed his income at ₹2,400/- per month, being equivalent to minimum wages payable to skilled worker.

7. On consideration, I do not find any error in the approach adopted by the learned Tribunal. Exhibits PB and PC have rightly been ignored, as the income mentioned therein was fluctuating in nature and it was not possible to ascertain the regular monthly income of the deceased from the documents produced by the claimants-appellants. The amount of ₹2,400/- per month assessed by the Tribunal is, in fact, higher than the minimum wages payable to a skilled worker in the year 1998. Accordingly, the same does not warrant interference and is liable to be taken as the income of the deceased.

8. The deceased was 26 years of age, therefore, a multiplier of 17 would be applicable in the present case. It is also an admitted fact that no addition on account of future prospects was made by the learned Tribunal while assessing the loss of dependency. In view of the judgment of **National Insurance Company Ltd. Vs. Pranay Sethi and others,** 2017 (16) SCC 680, the claimants-appellants are entitled to an addition of 40% towards future prospects to the income of the deceased for the purpose of calculating loss of dependency.

9. Since the deceased was survived by 5 dependents i.e. wife, minor sons, daughter, and mother deduction towards personal expenses is to be made to the extent of $1/4^{th}$. Apart from loss of dependency, the claimants-appellants are also entitled to compensation of ₹7,500/- towards loss of estate, ₹7,500/- towards funeral expenses, and ₹15,000/- each on account of parental, spousal, and filial consortium to claimants-appellants.

10. In view of the above discussion, the claimants-appellants shall be entitled to the reworked compensation:

Income of deceased	Rs. 2,400/- per month	Rs. 2,400/-

Deduction	$1/4^{th}$ (2400-600)	Rs. 1,800/-
Future Prospects	40% (1800+720)	Rs. 2,520/-
Multiplier	17	17
Total Loss of Dependency	Rs. 2,520x17x12	Rs. 5,14,080/-
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 to 4	Rs. 15,000 x 3	Rs. 45,000/-
Filial Consortium to claimant no. 5		Rs. 15,000/-
Compensation awarded by Tribunal	Rs. 3,07,000/-	
Compensation awarded in appeal		Rs. 6,04,080/-
Enhancement of compensation	Rs. 6,04,080/- (awarded in appeal)- Rs. 3,07,000/- (awarded by tribunal)	Rs. 2,97,080/-

11. 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.

12. Appeal is accordingly allowed in above terms.

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

18.03.2026 **(PARMOD GOYAL)**
manoj **JUDGE**

Whether speaking/reasoned Yes
Whether reportable Yes/No