IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(237) **FAO-598-2001(O&M)**
Date of Decision-15.01.2026

SATBIR SINGH AND OTHERS … APPELLANTS

VERSUS

RAMPHAL(SINCE DECEASED)THROUGH LRS AND OTHERS

… RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Ms. Ruhi Yadav, Advocate
Ms. Ramandeep Kaur, Advocate
for appellants

Mr. Suvir Dewan, Advocate
for respondent No.3.

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VIRINDER AGGARWAL, J.(ORAL)

CM-5279-CII-2022

1. Learned counsel for the appellant has also filed an application under section 151 CPC for fixing the actual date of hearing of FAO No 598 of 2001 by having considered the facts and the explanation offered therein, and in the interest of justice, the said application is allowed and the main appeal is taken on board today itself.

FAO-598-2001

1. This appeal has been preferred by the claimants seeking enhancement of compensation awarded vide award dated 22.08.2000 passed by the Motor Accident Claims Tribunal, Rewari, whereby the compensation of ₹2,50,400/-

along with interest at 12% per annum was granted on account of death of Sunita in a motor vehicular accident that took place on 01.04.1998.

BACKGROUND FACTS

2. The brief facts of the case are that on 14.06.1998 at about 7:00 p.m., Satbir Singh and his wife Sunita (deceased) were walking on the side of the road near village Gurawara after returning from agricultural fields, when a truck bearing registration No. (HR-38-6351), driven by respondent No.1 in a rash and negligent manner, came from behind and hit Sunita. As a result of the impact, Sunita sustained fatal injuries and died at the spot, while Satbir Singh also suffered injuries. An FIR under Sections 279 and 304-A IPC was registered at Police Station Jatusana against the driver of the offending vehicle. Thereafter, the claimants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of the death of Sunita.

3. Upon appreciation of the oral and documentary evidence on record, the learned Tribunal concluded that the accident in question and the resultant death of Sunita were duly proved and occurred due to the rash and negligent driving of respondent No.1 Ramphal. The finding on negligence was primarily founded on the ocular testimony of Satbir Singh (PW-1), husband of the deceased and an eye-witness to the occurrence, duly supported by the testimony of Ram Niwas (PW-2). Their version was found to be natural, consistent and reliable, and stood corroborated by the registration of FIR No. 60 of 1998 (Ex.P1) under Sections 279 and 304-A IPC at Police Station Jatusana, as well as by the post-mortem report (Ex.P2), which established that Sunita had succumbed to ante-mortem injuries sustained in a road traffic accident. While determining the quantum of compensation, the learned Tribunal assessed the age of the

deceased as 23 years. Though PW-1 and PW-2 deposed that the deceased was earning ₹6,000-7,000 per month from agricultural and dairy activities, the learned Tribunal, taking a pragmatic view of the nature of her avocation and the prevailing minimum wages for unskilled labour at the relevant time, assessed her monthly income at ₹1,800. After deducting one-third of the said income towards her personal and living expenses, the monthly contribution to the family was assessed at ₹600, translating to an annual dependency of ₹7,200. Applying the appropriate multiplier of 16, the loss of dependency was thus computed at ₹2,30,400. In addition thereto, the learned Tribunal awarded a further sum of ₹20,000 under conventional heads, including funeral expenses and loss of consortium. Accordingly, the total compensation payable to the claimants was determined at ₹2,50,400, along with interest at the rate of 12% per annum.

CONTENTIONS

4. Learned counsel for the appellants submitted that the compensation determined by the learned Tribunal is manifestly inadequate and contrary to the settled principles governing the assessment of just compensation. It was contended that the learned Tribunal erred in assessing the income of the deceased at an unduly low figure, ignoring the evidence on record. Further, learned counsel argued that the multiplier applied by the learned Tribunal is erroneous and not in consonance with the age of the deceased. Learned counsel for appellants also submitted that the amounts awarded towards loss of consortium and last rites are unrealistically low and that the learned Tribunal failed to award compensation under other mandatory conventional heads. Additionally, no addition towards future prospects was made. On these grounds,

it was urged that the impugned award calls for enhancement so as to grant just, fair and reasonable compensation to the claimants.

5. Learned counsel for respondent No.3 supported the award of the learned Tribunal, contended that the award had been passed after a proper and thorough appreciation of the evidence on record and therefore, did not warrant any interference by this Court.

OBSERVATIONS AND FINDINGS

6. I have heard learned counsel for the parties and perused the complete records. On due consideration of the findings recorded by the learned Tribunal, particularly on the issue of negligence and fastening of liability, I find no reason to take a different view. The findings on those aspects are accordingly affirmed. However, the core issue arising in the appeal pertains to the reassessment of the quantum of compensation.

7. Compensation requires reassessment strictly in terms of the principles laid down by Hon'ble the Supreme Court in ***National Insurance Co. Ltd. v. Pranay Sethi, (2017) 16 SCC 680, Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram, 2018 (18) SCC 130 and Sarla Verma v. DTC, (2009) 6 SCC 121,*** wherein the framework for computation of "loss of dependency" by addition towards future prospects as per the nature of employment, deducting personal expenses of deceased, and applying appropriate multiplier on the basis of age of the deceased, and standardized amounts for conventional heads such as loss of estate, funeral expenses and loss of consortium, has been settled. The present matter, therefore, call for recalculation of the amount under each of these heads by applying the correct deduction on basis of dependency and correct multiplier relatable to the age of

the deceased and by granting the admissible sum towards consortium and other conventional heads as mandated in the aforesaid decisions. The reassessment is structured as under:

REASSESSED COMPUTATION

Particulars	Tribunal Award (**₹**)	**Reassessed Award (₹)**
Monthly Income	1800/-	**1800/-**
Income With Future Prospects (40%)	x	**2520/- (1,800 + 720)**
Income after Deduction (3 Dependents)	1,200/- (1/3rd Deduction for personal expenses)	**1,680/- (1/3rd Deduction for personal expense)**
Annual Contribution To Family	14,400/- (1,200x12)	**20,160/- (1,680x12)**
Multiplier **(age 23 yrs)**	16	**18**
Loss Of Dependency	2,30,400/- (14,400x16)	**3,62,880/- (20,160 × 18)**
Spousal Consortium	10,000	**40,000/- (40,000 × 1)**
Parental Consortium (2 Children)	x	**80,000/- (40,000 × 2)**
Funeral Expenses	10,000	**15,000/-**
Loss Of Estate	x	**15,000/-**
Total	2,50,400/-	**₹5,12,880/-**

8. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹2,50,400/- to **₹5,12,880/-**. The enhanced amount shall carry the interest at rate of 7% per annum from the date of filing of the claim petition till realization. The liability and apportionment of the compensation shall remain the same as determined by the learned Tribunal

9. The appeal is accordingly partly **allowed** with modification of the award to the above extent. All other conditions of the award, not inconsistent with this judgment, shall remain unaltered.

10. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

(VIRINDER AGGARWAL)
JUDGE

15.01.2026
Saurav Pathania

(i)	*Whether speaking/reasoned*	:	*Yes/No*
(ii)	*Whether reportable*	:	*Yes/No*