IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

214 **FAO-2076-2003 (O&M)**
Date of decision :03.02.2026

SMT. SURSATI DEVI AND OTHERS ... APPELLANTS

VERSUS

DALBARA SINGH @ GUDOO AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Chirag Suri, Advocate
for the appellants.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate and
Mr. Diwan S. Adalkha, Advocate
for respondent No. 3-Insurance Company.

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PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the appellants-claimants being the wife and minor children of the deceased-Ram Bilas (hereinafter referred to as the '**deceased'**), who died in motor vehicular accident which took place on 21.10.1997, on account of rash and negligent driving of respondent No.1 while driving tractor bearing registration No. PB-27-0471.

2. Being aggrieved by the impugned award dated 23.04.2002, 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.2,54,000/-, 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.2,100/- per month
Deduction 1/3rd (2,100-700)	Rs. 1,400/-
Multiplier	15
Total loss of Income	Rs. 2,52,000/- (1,400x12 x 15)
Funeral Expenses	Rs.2,000/-
Total compensation awarded	Rs.2,54,000/-

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 30 years of age at the time of accident working as a labourer in the grain market and was earning Rs.5,000/- per month.
- Future prospects were not added while determining loss of dependency. Future prospects to the extent 40% of monthly income needs to be added as the deceased was 30 years of age at the time

of accident.

- Multiplier applied by learned Tribunal is ‘15’ whereas, keeping in view the age of deceased the multiplier of ‘17’ ought to have been granted.
- 1/3rd deduction towards personal expenses of deceased were deducted while determining dependency instead of deducting 1/4th as the deceased was survived by four dependents.
- Appropriate compensation amount needs to be granted under the heads 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.3 has argued that sufficient amount has already been given as compensation in the present case and there is no scope of any enhancement.

7. Learned Tribunal has assessed income of deceased as Rs.2,100/- per month. Loss of dependency was assessed as Rs. 1,400/- per month after deducting 1/3rd of assessed income of Rs. 2,100/- towards personal expenses.

8. PW1-wife of deceased stated that deceased was working as a labourer in the grain market and was earning Rs.5,000/- per month. She further stated that deceased was 30 years of age at the time of accident. In order to prove income of deceased appellants/claimants have only relied upon oral assertions. No corroborative material was placed to show that deceased was earning Rs.5,000/- per month. Since no material except for self-serving oral assertions is available on record to conclude income of deceased to be Rs.5,000/- per

month, the income assessed on the basis of minimum wages payable in year 1997 by learned Tribunal cannot be faulted with. Learned Tribunal has rightly taken the income of deceased to be Rs. 2,100/- per month.

9. Keeping in view the age of deceased, an addition of 40% towards future prospects is warranted and multiplier of '17' ought to be applied as deceased was 30 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 filial consortium.

10. Accordingly, the reworked compensation payable to appellants-claimants is as under :-

Income of deceased	Rs.2,100/- per month (as per minimum wages payable to unskilled worker)	Rs.2,100/- per month
Deduction	1/4th (2,100-525)	Rs.1,575/-
Future Prospects	40% (1,575+630)	Rs.2,205/-
Multiplier	17	17
Total loss of dependency	2,205 x 17x 12	Rs.4,49,820/-
Loss of estate		Rs.7,500/-
Funeral expenses		Rs.7,500/-
Spousal consortium to Claimant No.1		Rs.15,000/-
Parental consortium to claimant no. 2 to	Rs.15,000x3	Rs.45,000/-

claimant no.4		
Compensation awarded by Tribunal	Rs.2,54,000/-	
Compensation awarded in appeal		Rs.5,24,820/-
Enhancement of compensation	Rs.5,24,820/-(awarded in appeal) - Rs.2,54,000/- (awarded by Tribunal)	Rs. 2,70,820/-

11. Appellants/claimants shall be entitled to enhanced compensation 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.

03.02.2026 **(PARMOD GOYAL)**
Manoj **JUDGE**

Whether speaking/reasoned Yes
Whether reportable Yes/No