



FAO-4559-2003 (O&M)

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

(233)

FAO-4559-2003 (O&M)

Reserved on : 29.04.2026

Pronounced on : 11.05.2026

Uploaded on : 11.05.2026

Manmohan Kaur and others

...Appellants

Versus

Ashok Kumar and others

... Respondents

CORAM :HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Chetan Kapoor, Advocate,
for the appellants.

Mr. Vipul Sharma, Advocate,
for respondent No.3-Insurance Company.

Amarinder Singh Grewal, J.

1. The present appeal has been preferred by the claimants-appellants seeking enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Patiala (hereinafter referred to as "the learned Tribunal") vide award dated 26.02.2003 passed in Claim Petition No.62 dated 04.10.2000 titled as "Manmohan Kaur and others versus Ashok Kumar and others", whereby compensation to the tune of Rs.2,50,000/- alongwith interest @9% per annum was awarded on account of death of Devinder Singh, who succumbed to the injuries sustained by him on 27.07.2000 in a motor vehicular accident dated 23.07.2000 involving Truck No.PAX-5960 driven by respondent No.1-Ashok Kumar and Truck No.PB-12-B-5128 driven by respondent No.4-Hardev Singh.

2. Since the occurrence, involvement of the offending vehicle and death of deceased Devinder Singh are not in dispute before this Court and



the present appeal is confined only to the quantum of compensation awarded by the learned Tribunal, this Court, for the sake of brevity, does not deem it necessary to recapitulate the entire factual matrix and evidence in detail.

3. Learned counsel for the appellants had contended that the impugned award dated 26.02.2003 passed by the learned Motor Accident Claims Tribunal, Patiala was wholly inadequate and contrary to the settled principles governing grant of just compensation under the Motor Vehicles Act, inasmuch as the learned Tribunal had gravely erred in assessing the income of the deceased at Rs.3,000/- per month despite the specific evidence available on record establishing that deceased Devinder Singh was a skilled person working as a taxi driver and was also earning from agricultural pursuits, whereas his monthly income was more than Rs.6,000/- per month. It had further been argued that the learned Tribunal failed to take into consideration the agricultural income of the deceased and also wrongly applied deduction of 1/3rd towards personal expenses alongwith multiplier of 10, thereby awarding compensation of only Rs.2,50,000/- to the claimants, which was stated to be on the lower side. Learned counsel had further contended that no compensation had been granted towards future prospects, loss of consortium, loss of love and affection and future loss of income, despite the fact that the deceased was the sole bread earner of the family and the claimants had suffered immense financial as well as emotional loss on account of his untimely death.

4. *Per contra*, learned counsel for respondent No.3–Insurance Company had contended that the impugned award had been passed after proper appreciation of the evidence available on record and did not call for any interference by this Court. It had further been argued that the claimants



failed to produce any cogent evidence regarding higher income of the deceased and, therefore, the compensation awarded by the learned Tribunal was just and reasonable.

5. I have heard learned counsel for the parties and perused the paper-book, with their able assistance.

6. A perusal of the record reveals that though the claimants had asserted that deceased Devinder Singh was earning more than Rs.6,000/- per month from driving as well as agricultural pursuits, however, no cogent documentary evidence was produced before the learned Tribunal with regard to his alleged salary or agricultural income. No document pertaining to ownership of agricultural land or proof of income derived therefrom was brought on record by the claimants. However, the learned Tribunal rightly assessed the income of the deceased at Rs.3,000/- per month by taking into consideration the fact that the deceased was working as a driver, which stood substantiated from Mark-A i.e. membership card of Taxi Drivers Union, Rajpura bearing No.PCP-9035 issued on 16.07.1971. While this Court finds no illegality in the assessment of the income at ₹3,000/- per month, the learned Tribunal erred in applying a multiplier of 10 while assessing the compensation. Since the deceased was aged 45 years at the time of the accident, the appropriate multiplier applicable would be 14, in terms of the judgment of the Hon'ble Supreme Court in *Sarla Verma v. Delhi Transport Corporation [(2009) 6 SCC 121]*. Furthermore, an addition of 25% towards future prospects is liable to be made as per *National Insurance Company Limited v. Pranay Sethi [(2017) 16 SCC 680]*, bringing the monthly income to ₹3,750/- [₹3,000 + ₹750]. After deducting 1/3rd i.e. ₹1,250/- towards personal and living expenses [₹3,750 - ₹1,250], the monthly dependency is



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assessed at ₹2,500/- and the annual dependency comes to ₹30,000/-.

Consequently, by applying the correct multiplier of 14, the total loss of dependency is reassessed at ₹4,20,000/- [₹30,000 × 14].

7. In addition thereto, claimant No.1 (wife) and claimant Nos. 2 and 3 (children) are entitled to consortium of ₹48,400/- each in view of the judgement in *Magma General Insurance Company Limited v. Nanu Ram [(2018) 18 SCC 130]*, totaling ₹1,45,200/-. The appellants are further entitled to ₹18,150/- towards funeral expenses and ₹18,150/- towards loss of estate [escalation of 10% after every three years as contemplated in *Pranay Sethi's case (supra)*]. Accordingly, the total compensation payable to the appellants is re-assessed at ₹6,01,500/-.

8. The enhanced compensation, i.e., over and above the compensation awarded by the learned Tribunal, shall also carry interest @ 7.5% per annum from the date of filing of the claim petition till its realization, payable by respondent No. 3 to the appellants-claimants in equal shares.

9. In view of the aforesaid facts and circumstances, the award passed by the learned Tribunal is modified and the present appeal is allowed to the extent indicated above.

10. Pending miscellaneous application(s), if any, shall stand disposed of. No order as to costs.

May 11, 2026
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(AMARINDER SINGH GREWAL)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : No