

2026:PHHC:012126



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

FAO-4080-2003 (O&M)
Date of Decision: 28.01.2026

RAJWINDER PAL SINGH AND ORS.

....Appellants

Versus

RAVINDER KUMAR AND ORS.

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Vijay Garg, Advocate
for appellants.

Mr. Pawanjeet Singh, Advocate
for respondent No.3.

Parmod Goyal, J. (Oral)

Present appeal has been preferred by the parents and sister of the deceased, Baldev Singh (hereinafter referred to as the 'Deceased'), who died in a road accident which took place on 05.10.2000, on account of rash and negligent driving by respondent No.1 while driving truck bearing registration No.HP-24-3125.

2. Being aggrieved by the impugned award dated 03.03.2003 passed by the Motor Accident Claims Tribunal, Ropar (hereinafter referred to as "Tribunal"), vide which the appellants were found entitled to total compensation of Rs.3,46,800/-, the appellants are seeking enhancement of compensation awarded by the Tribunal as the same is not according to 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 has awarded the following compensation:

Income	Rs. 2,550/-
Deduction	1/3 rd
Multiplier	17
Total loss determined & awarded compensation	Rs.3,46,800/-

5. Learned Counsel for the claimants-appellants has asserted that income as assessed by learned Tribunal is on lower side as learned Tribunal has failed to consider evidence of PW-2 and certificate Ex.P-1. He further asserted that no addition has been made towards future prospects which ought to be taken to the extent of 40% in terms of judgment of Hon’ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.**, 2017 (16) SCC 680. Since the age of the deceased was 24 years, multiplier of ‘18’ ought to be applied as per the case in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, 2009 (2) SCC (Civil) 770. Amounts under conventional heads i.e. loss of estate, funeral expenses, loss of consortium were wrongly not awarded & ought to have been granted in view of mandate of Hon’ble Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi & Ors.**, 2017 (16) SCC 680, **Magma General Insurance Company Limited Vs. Nathu Ram alias Chuhu Ram & Ors.**, 2018 (18) SCC 130 and **N. Jayasree & Ors. Vs. Cholamandalam M.S General Insurance Company Ltd.**, 2021 (4) RCR (Civil) 642.

6. Per contra, learned counsel for respondent No.3 Insurance Company has vehemently argued that sufficient amount has already been

awarded as compensation in the present case and there is no scope of enhancement.

7. In the present case, since no serious challenge could be made by the learned counsel for the claimant-appellant to show that the income of the deceased as assessed by the Tribunal is not appropriate. Appellants/claimants have claimed that deceased was in private job and was running dairy, earning Rs.8,000/- per month. However, except for oral assertions by PW1 and PW2 there is no cogent evidence showing vocation and income of deceased. Neither qualification nor as to what was the nature of job of deceased has been disclosed. Though salary certificate was placed as Ex.P1, however, it was not justified by qualification or salary payment records. Therefore, the income of deceased needs to be taken as Rs.3,000/- per month as even learned Tribunal concluded that deceased might be earning upto Rs.2,700/- per month. Since the deceased was 24 years of age at the time of accident, a multiplier of '18' would be applicable instead of '17' as per the law laid down by Hon'ble Supreme Court in case of **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.** (supra). The Tribunal has not made any addition towards loss of future prospects. Since the deceased in the present case was 24 years of age, an addition of 40% towards future prospects would be applicable as per the law laid down by Hon'ble Supreme Court in case of **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.** (supra). The deduction at the rate of 1/3rd has also been wrongly made, keeping in view the number of dependents i.e. 2 and fact that claimants are parents and deceased was bachelor, the deduction ought to have been 50%. In the present case the Claimants/appellants shall also be entitled to compensation of Rs.7,500/- towards funeral expenses, Rs.7,500/- loss of

estate and Rs.15,000/- to each of the claimants/appellants towards filial consortium.

8. Accordingly, the reworked compensation to which the claimants/appellants are entitled to is as under :-

Income	Rs.3,000/-	Rs.3,000/-
Future Prospects	40% (3,000 + 1,200)	Rs.4,200/-
Deduction	50% (4,200 – 2,100)	Rs.2,100/-
Multiplier	18	18
Total loss of dependency	2,100 x 12 x 18	Rs.4,53,600/-
Loss of Estate	Rs.7,500/-	Rs.7,500/-
Funeral Expenses	Rs.7,500/-	Rs.7,500/-
Loss of filial consortium to claimants No.1 & 2	15,000 x 2	Rs.30,000/-
Total Compensation awarded in appeal		Rs.4,98,600/-
Total Compensation awarded by the Tribunal	Rs.3,46,800/-	
Enhanced amount of compensation	Rs.4,98,600/- (awarded in appeal) – Rs.3,46,800/- (awarded by the Tribunal)	Rs.1,51,800/-

9. In view of the above, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Claimants shall also be entitled to interest at the rate of 7.5% per annum on enhanced amount from the date of filing of petition till realization on enhanced compensation. Apportionment of compensation & liability of respondents shall be as per award.

10. In view of the above discussion, the award passed by the Tribunal is modified and the present appeal stands allowed accordingly.

11. Pending application(s), if any, is/are disposed of accordingly.

28.01.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

Whether Speaking/Reasoned : Yes/No

Whether Reportable : Yes/No