



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

225

FAO-3845-2003 (O&M)**Date of decision:05.05.2026**

CHARANJIT KAUR AND OTHERS

...APPELLANTS

VERSUS

LAKHWINDER SINGH AND ANOTHER

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Kushagra Mahajan, Advocate for
Mr. J.S. Verka, Advocate
for appellants.

Mr. Vicky Sharma, Advocate and
Mr. K.S. Dhaliwal, Advocate
for respondent No.1

Mr. Kuldeep, Advocate for
Mr. Krishna Kant, Advocate
for respondent No.2

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by appellants-claimants being the wife, children and parents of the deceased Makhan Singh (hereinafter referred to as the '**deceased**'), who died in road accident which took place on 04.10.2001, on account of rash and negligent driving by respondent No.1 while driving Mohindra tractor B275 DI bearing registration No.PB-18E-7988 against impugned award dated 10.05.2003 passed by the Motor Accident Claims Tribunal, Gurdaspur (hereinafter referred to as '**Tribunal**'), vide which the appellants-claimants were found entitled to total compensation of Rs.3,04,400/-. The appellants-claimants are seeking enhancement of compensation awarded by the Tribunal as the same is not according to their entitlement.

2. In view of the fact that issue of negligence has not been raised

in present appeal, the detailed facts as regards to manner of accident are not

being noted herein for the sake of brevity.

3. The Tribunal in the present case had awarded the following compensation:

Monthly Income	Rs.2,100/- per month
Deduction	Rs.1/3 rd (2100-700 = Rs.1,400/-)
Multiplier	18
Loss of dependency	Rs.3,02,400/- Rs.1,400x18x12
Funeral expenses	Rs.2,000/-
Total compensation awarded by the Tribunal	Rs.3,04,400/-

4. Appellants-claimants have sought enhancement of compensation on the ground that the income of the deceased has been wrongly taken. It is asserted that the deceased was working as special police officer, posted at P.S. Jhabal and drawing a salary of Rs.2,700/- per month. It also asserted that future prospects were not added by the learned Tribunal while calculating loss of dependency. That deduction towards personal expenses was not rightly applied in view of number of dependents. That deceased is survived by his wife, two children and parents, whereas 1/3rd deduction was wrongly applied. Appellants-claimants have also sought appropriate compensation for loss of estate, funeral expenses and loss of consortium.

5. In present case, appellants-claimants are aggrieved by the income of the deceased taken by learned Tribunal as Rs.2,100/- and for not taking future prospects in consideration. Admittedly, deceased was 27 years old at the time of the accident and was survived by his wife, two children

and parents. As per claim of the appellants-claimants, deceased was earning Rs.2,700/- per month while working as special police officer, posted at P.S. Jhabal. The evidence led by appellants-claimants in this regard is the salary register (Ex. A-1). As per the salary register the deceased was drawing salary of Rs.2,700/- per month. In view of salary register (Ex.A-1), the income ought to be taken as Rs.2,700/- per month. Accordingly, the income of the deceased is taken as Rs.2,700/- per month. Keeping in view age of the deceased and number of dependents, appellants-claimants are entitled to multiplier of ‘17’, future prospects to the extent of 50% and deduction of 1/4th towards personal expenses. Appellants-claimants shall also be entitled to Rs.7,500/- each under the head loss of estate, funeral expenses and Rs. 15,000/- each under the head spousal, filial and parental consortium.

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

Income	Rs.2,700/- per month	Rs.2,700/- per month
Future Prospects	50% (2700+1350)	Rs.4,050/-
Deduction	1/4 th (4050-1012)	Rs.3,038/-
Multiplier	17	17
Total loss of dependency	Rs.3,038 x 12 x 17	Rs.6,19,752/-
Loss of Estate		Rs.7,500/-
Funeral Expenses		Rs.7,500/-
Loss of spousal consortium to claimant no. 1		Rs.15,000/-
Loss of parental consortium to claimant nos. 2 & 3	Rs.15,000/- x 2	Rs.30,000/-
Loss of filial consortium to claimants no. 4 & 5	Rs.15,000/-x 2	Rs.30,000/-

Total Compensation awarded in appeal		Rs.7,09,752/-
Total Compensation awarded by the Tribunal	Rs.3,04,400/-	
Enhanced amount of compensation	Rs.7,09,752/- (as awarded in appeal) Rs.3,04,400/- (as awarded by the Tribunal)	Rs.4,05,352/-

7. Appellants-claimants 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.
8. Present appeal is allowed in above terms.
9. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)

JUDGE

05.05.2026

Sunil Chander

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No