



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

107

FAO-4262-2003 (O&M)

Date of decision:22.01.2026

Surjit Kaur and Others

...Appellants

Versus

Gian Singh and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. N.S. Dhandiwal, Advocate for appellants.
Mr. Sanjiv Babbi, Advocate for respondent No.3.
Mr. Gopal Mittal, Advocate for respondent No.7.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by appellants-claimants being dissatisfied with award of compensation of Rs.3,84,000/- by impugned award dated 16.05.2003 passed by Motor Accident Claims Tribunal, Moga, (herein-after referred to as 'Tribunal') on account of untimely death of deceased Dr. Gurcharan Singh, in motor vehicular accident dated 25.01.1998 due to rash and negligent driving of offending vehicle bearing number PB-08-8099 by respondent No.1.

2. 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.

3. Learned Tribunal had awarded following compensation: -

Monthly Income	6483/-
Deduction towards personal expenses	Rs. 2,483/-
Dependency per month	Rs. 4,000/-
Multiplier	8
Loss of dependency	Rs. 3,84,000/- (Rs. 4000/- x 12 x 8)
Amount granted	Rs. 3,84,000/-

4. Claim petition has been preferred by five appellants-claimants i.e. mother, wife and three children of the deceased. It was the case of appellants-claimants that deceased Dr. Gurcharan Singh was aged 49 years working in Primary Health Center, Dhudike on a monthly salary of Rs.7483/-. Learned counsel for appellants-claimants has argued that learned Tribunal has erred in taking carry home salary as income of deceased, whereas as per salary certificate the gross salary of deceased was Rs.7483/-. Learned counsel for appellants-claimants further argued that since deceased was 49 years, therefore learned Tribunal ought to have applied multiplier of '13' instead of '8' and even personal expenses have wrongly been deducted to the extent of 1/3rd, whereas in view of five dependents, same ought to have been 1/4th.

5. Learned counsels for respondent Nos.3 and 7-Insurance Companies fairly admits that there is no dispute as regards to age of deceased and number of dependents. Therefore, in view of judgment titled **Smt. Sarla Verma and Ors. Vs. Delhi Transport Corporation & Anr.**, 2009 (2) SCC (Civil) 770, multiplier of '13' would be applicable as deceased was 49 years

and deduction to the extent of 1/4th needs to be applied towards personal expenses as five persons were dependent upon deceased. No future prospects have been taken while determining loss of dependency. In view of judgment titled **National Insurance Company Limited Vs. Pranay Sethi & Ors.**, 2017 (16) SCC 680, appellants-claimants are entitled to future prospects to the extent of 30% for determination of loss of dependency as deceased was in permanent government job and was aged 49 years.

6. Admittedly, the income of deceased was taxable in year 1998 when deceased had died. As per Income Tax Act, 1998 no tax was liable to be deducted on income up to Rs.50,000. The rate of tax was 10% for income from Rs.50,000/- to 60,000/- and thereafter 20% for income up to Rs.1,50,000. Admittedly, annual income of deceased was Rs.89,796/-, therefore taxable income was Rs.39,093/- and tax, which deceased was liable to pay, was Rs.6800/-. Therefore, while calculating income of deceased, the learned tribunal ought to have only deducted income tax and could not have taken the carry home salary as it includes contribution towards GPF etc., which cannot be excluded out of income of deceased. Accordingly, after deducting Rs.6800/-, annual income of deceased is taken as Rs.82,996/- for determining loss of dependency.

7. After applying 30% future prospects, taking annual income of deceased to be Rs.82,996/- and by applying multiplier of '13' and 1/4th deduction towards personal expenses, loss of dependency needs to be determined. Appellants-claimants shall also be entitled to Rs.7,500/- towards funeral expenses, Rs.7,500/- towards loss of estate and Rs.15,000/- each on account of filial, spousal and parental consortium.

8. In view of above, appellants-claimants shall be entitled to following compensation:

Income of deceased	Rs.82,996/- per annum	Rs.82,996/- per annum
Future Prospects	30% of 82,996 (82,996+24,899)	Rs.1,07,895/-
Deduction	1/4th (1,07,895-26,973)	Rs.80,922/-
Multiplier	13	13
Total loss of dependency	80,922X13	Rs.10,51,986/-
Loss of Estate		Rs.7,500/-
Funeral Expenses		Rs.7,500/-
Filial consortium to claimant No.1		Rs.15,000/-
Spousal consortium to claimant No.2		Rs.15,000/-
Parental consortium to claimant Nos.3, 4 and 5	Rs.15,000X3	Rs.45,000/-
Total Compensation awarded by the Tribunal	Rs.3,84,000/-	
Total Compensation awarded in appeal		Rs.11,41,986/-
Enhanced compensation	Rs.11,41,986/-(awarded by in appeal) – Rs.3,84,000/- (awarded by Tribunal)	Rs.7,57,986/-

9. Appellants-claimants i.e. mother, wife and children of deceased, shall also be entitled to interest over enhanced amount to the extent of 7.5% from the date of filing of claim petition till its realization. The apportionment

and liability of respondents to pay compensation shall be as per award. The enhanced amount be paid to bank accounts of appellants-claimants without insisting to deposit the same in FDR.

10. Appeal is allowed in above terms.
11. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)

JUDGE

22.01.2026

Sunil Chander

Whether speaking/reasoned

:

Yes/No

Whether reportable

:

Yes/No