



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

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FAO-2277-2002 (O&M)
Date of decision:23.03.2026

SANTOSH AND OTHERS

...APPELLANTS

VERSUS

AMAR SINGH AND OTHERS

...RESPONDENT

FAO-2279-2002 (O&M)
Date of decision:23.03.2026

BALWANT

...APPELLANT

VERSUS

AMAR SINGH AND OTHERS

...RESPONDENT

FAO-2278-2002 (O&M)
Date of decision:23.03.2026

SANT RAM AND ANOTHER

...APPELLANTS

VERSUS

AMAR SINGH AND OTHERS

...RESPONDENT

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None for appellants.

Mr. Abhinav Mahant, Asst. A.G., Haryana.

Mr. Suvir Dewan, Advocate
for respondent No.4-Insurance Company in all appeals.

PARMOD GOYAL, J. (ORAL)

Appellant(s)-claimant(s) have filed present appeals which are being taken up together as all the three claim petitions preferred by appellant(s)-claimant(s) were decided by common impugned award dated 13.11.2001, passed by learned Motor Accident Claims Tribunal, Sonipat (hereinafter referred to as '**Tribunal**'). Appellant(s)-claimant(s) in FAO

No.2277 of 2002 being the wife, parents and sister of deceased Virender (hereinafter referred to as '**deceased**'), aggrieved by the grant of compensation of Rs.4,13,000/- by learned Tribunal have sought enhancement of compensation. Appellant(s)-claimant(s) in FAO No.2278 of 2002 being the parents of deceased Harish are aggrieved by the grant of compensation of Rs.1,48,000/- by learned Tribunal have sought enhancement of compensation. Appellant-claimant-injured-Balwant in FAO No.2279 of 2002 has sought enhancement of compensation of Rs.45,000/- awarded on account of injuries suffered by him.

2. Deceased Virender and Harish had died and appellant-claimant Balwant had suffered injuries in motor vehicular accident which took place on 12.03.2000 on account of rash and negligent driving by respondent No.1 while driving Haryana Roadways bus bearing registration No.HR-10-R-0131.

3. Since in present appeal, the only issue raised by appellant(s)-claimant(s) 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. Appellant(s)-claimant(s) have sought enhanced compensation. On the other hand, learned counsel for respondents have argued that sufficient amount has already been given as compensation in the present case and there is no scope of any further enhancement.

FAO No.2277 of 2002 (O&M)

5. Learned Tribunal in the present case had awarded the following compensation in the claim petition filed by the wife and parents of deceased Virender:-

Income of deceased	Rs.3,000/- per month Rs.36,000/- per annum
Deduction	1/3 rd
Multiplier	17
Loss of dependency	Rs.4,08,000/- (Rs.2,000 X 12 X 17)
Funeral expenses	Rs.5,000/-
Total compensation awarded	Rs.4,13,000/-

6. Learned counsel for appellant(s)-claimant(s) has 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 aged about 22-23 years of age at the time of accident and was working as a weldor mechanic earning Rs.5,000/- to Rs.6,000/- 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 aged about 22-23 years at the time of accident.
- Multiplier applied by learned Tribunal is ‘17’ whereas, keeping in view the age of deceased aged about 22-23 years old at the time of accident the multiplier of ‘18’ ought to have been granted.

- Appropriate amount of compensation amount needs to be granted under the head funeral expenses, loss of estate and loss of filial and parental consortium in accordance with law laid down by Hon'ble Supreme Court.

7. Admittedly, in order to prove income of deceased, appellant(s)-claimant(s) have not produced any documentary evidence to show that the deceased was a welder mechanic having his own shop and earning around Rs.5,000/- to Rs.6,000/- from month. In absence of any cogent evidence to prove the income of the deceased, the income of Rs.3,000/- taken by the learned Tribunal is upheld.

8. Income of deceased is taken as Rs.3,000/-. No future prospects were taken into consideration by learned Tribunal. Deceased was aged 22-23 years old at the time of accident and in view of **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.**, 2017 (16) SCC 680, appellant(s)-claimant(s) are entitled to take into consideration future prospects while calculating loss of dependency, therefore 40% towards future prospects needs to be added. Keeping in view age of the deceased as about 22-23 years old, multiplier of '18' would be applicable in present case instead of '17' as awarded by learned Tribunal. Appellant(s)-claimant(s) shall also be entitled to Rs.15,000/- each towards loss of spousal and filial consortium, Rs.7,500/- each towards loss of estate and funeral expenses apart from loss of dependency.

9. Accordingly, the reworked compensation payable to appellant(s)-claimant(s) is as under:-

Income of deceased	Rs.3,000/- per month	Rs.3,000/- per month
Deduction	1/ ^{3rd} (3000-1000)	Rs.2,000/-
Future Prospects	40% (2000 + 800)	Rs.2,800/-
Multiplier	18	18
Total loss of dependency	Rs.2,800x18x12	Rs.6,04,800/-
Loss of estate		Rs.7,500/-
Funeral expenses		Rs.7,500/-
Spousal consortium to Claimant No.1		Rs.15,000/-
Filial consortium to Claimants No. 2 & 3	Rs.15,000/- x 2	Rs.30,000/-
Compensation awarded by Tribunal	Rs.4,13,000/-	
Compensation awarded in appeal		Rs.6,64,800/-
Enhancement of compensation	Rs.6,64,800/- (as awarded in appeal)- Rs.4,13,000/- (as awarded by Tribunal)	Rs.2,51,800/-

FAO No.2278 of 2002

10. Learned Tribunal in the present case had awarded the following compensation in the claim petition filed by the parents of deceased Harish :-

Income of deceased	Rs.2,500/- per month
Deduction	1/ ^{3rd}
Multiplier	17
Loss of dependency	Rs.1,43,000/-
Funeral expenses	Rs.5,000/-
Total compensation awarded	Rs.1,48,000/-

11. Learned counsel for appellant(s)-claimant(s) has 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 21 years of age at the time of accident and was earning Rs.5,000-6,000/- per month by running dairy and selling milk.

- 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 aged 21 years at the time of accident.
- Multiplier applied by learned Tribunal is '17' whereas, keeping in view the age of deceased aged 21 years old at the time of accident the multiplier of '18' ought to have been granted.
- Appropriate amount of compensation amount needs to be granted under the head funeral expenses, loss of estate and loss of filial and parental consortium in accordance with law laid down by Hon'ble Supreme Court.

12. Appellant(s)-claimant(s) have claimed that deceased was earning Rs.5,000-6,000/- per month by selling milk. However, learned Tribunal has rightly noted that no material is available to conclude pleaded income and vocation. No document has been placed on record to show that the deceased was earning by running a dairy and selling milk. In absence of any cogent evidence the income of the deceased as taken by the learned Tribunal is upheld. Accordingly, income of deceased is taken as Rs.2,500/- as taken by the learned Tribunal. Keeping in view the age of the deceased as 21 years an addition of 40% future prospects ought to be taken. It is also not in dispute that deceased was a bachelor and survived by two dependants and therefore, the learned Tribunal ought to have taken 50% deduction towards personal expenses. Further, the claimants-appellants would be entitled to

Rs.15,000/- under the head loss of parental consortium, Rs.7,500/- for funeral expenses and Rs.7,500/- for loss of estate.

13. Accordingly, the reworked compensation is as under :-

Income	Rs.2,500/- per month	Rs.2,500/-
Future Prospects	40% (2500+1000)	Rs.3,500/-
Deduction	50% (3500-1750)	Rs.1,750 /-
Multiplier	18	18
Total Loss of dependency	Rs.1,750 x 12 x 18	Rs.3,78,000/-
Loss of Estate		Rs. 7,500/-
Funeral Expenses		Rs. 7,500/-
Loss of parental consortium to claimant Nos.1& 2	Rs. 15,000 x 2	Rs. 30,000/-
Total compensation awarded by Tribunal	Rs.1,48,000/-	
Total Compensation awarded in appeal		Rs.4,23,000/-
Enhanced amount of compensation	Rs.4,23,000/- (as awarded in appeal) – Rs.1,48,000/- (as awarded by Tribunal)	Rs.2,75,000/-

FAO No.2279 of 2002

14. Learned Tribunal in the present case had awarded the following compensation to the injured appellant-claimant, namely Balwant :-

Pain & Suffering	Rs.40,000/-
Medical Expenses	Rs.5,000/-
Total compensation awarded	Rs.45,000/-

15. Appellant-claimant-Balwant in order to prove nature of injuries, amount of expenditure incurred for treatment and period of hospitalization has not examined any witness except for himself. While appearing as his own witness he claimed that on account of injuries sustained in accident he was taken to Medical College, Rohtak from Civil Hospital, Gohana where he remained admitted for one month from 12.03.2000 to 13.03.2000. He claimed to have suffered fracture on clavicle bone. He placed reliance upon OPD card as Ex.P2 and Ex.P3, discharge card as Ex.P4, MLR as Ex.P5, x-ray report Ex.P6, medical bills as Ex.P7 to Ex.P9 and transportation bills as Ex.P10 and P11 showing his expenditure. Except for his oral assertions and above noted documents, he had not led any other evidence.

16. In his cross-examination he duly admitted that he had not remained admitted for one month as was claimed by him in his examination-in-chief, rather he remained admitted in hospital only for one day. However, from other medical records he has succeeded in proving that he suffered fracture on clavicle bone and had visited the hospital on multiple occasions. Though he has not been able to prove expenditure more than granted by learned Tribunal. Even transportation bills Ex.P10 and Ex.P11 in absence of its author and due proof cannot be taken into consideration. However, in view of the fact that appellant-claimant had visited the hospital on number of occasions on account of clavicle fracture and must have spent some amount on special diet, attendant charges and transportation, accordingly, instead of Rs.5,000/-, an amount of Rs.15,000/- is awarded for medical expenses, special diet, attendant charges and transportation.

17. The amount of compensation of Rs.40,000/- towards pain and sufferings in the facts and circumstances of the present case is just and sufficient compensation and no enhancement under this head is justified. Appellant/claimant had suffered fracture on clavicle bone and he must have remained out of job for about four months, accordingly, amount of Rs.10,000/- is awarded towards compensation for loss of income during treatment. Compensation towards loss of earning is based upon minimum wages as no cogent evidence regarding vocation and income of injured was placed on record. Since appellant/claimant has failed to prove any permanent injury, he is not entitled to compensation except for above heads. Petitioner is therefore, entitled to total compensation of Rs.65,000/- instead of Rs.45,000/- as awarded by learned Tribunal.

18. Accordingly, reworked compensation is as under :-

Pain & Sufferings	Rs.40,000/- (by Tribunal)	Rs.40,000/-
Medical expenses, special diet, attendant charges and transportation charges	Rs.5,000/- (by Tribunal)	Rs.15,000/-
Loss of income during treatment		Rs.10,000/-
Total compensation awarded by Tribunal	Rs.45,000/-	
Total compensation awarded in Appeal		Rs.65,000/-
Enhanced amount of compensation	Rs.65,000/- (as awarded in appeal) – Rs.45,000/- (as awarded by Tribunal)	Rs.20,000/-

19. Appellant(s)-claimant(s) 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.
20. Present appeals are allowed in above terms.
21. Pending application(s), if any, stand disposed of. Photocopy of this judgment be placed on the file of connected cases.

(PARMOD GOYAL)
JUDGE

23.03.2026
Sunil Chander/chiranjeev

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No