



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

(106)

**FAO-5230-2004(O&M)
Date of Decision-18.02.2026**

Talwinder Kaur And Others

... Appellants

Versus

Harnek Singh Saini And Others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Rashi Hooda, Advocate
for appellants.

Ms. Vamika Johar, Advocate
for Pritam Singh Saini, Advocate
For respondents no. 1.

Mr. Suvir Dewan, Advocate
for respondent No. 3.

VIRINDER AGGARWAL, J.(ORAL)

1. This appeal has been preferred by the claimants seeking enhancement of compensation awarded vide award dated 13.08.2004 passed by the Motor Accident Claims Tribunal, Ambala, whereby the compensation of ₹3,21,500/- along with interest at 9% per annum was granted on account of death of Jagat Singh in a motor vehicular accident that took place on 31.08.2002.

BACKGROUND FACTS

2. The case of the claimants is that on 31.08.2002, Jagat Singh was driving his motorcycle bearing No. HR02F-4321 and was proceeding towards village Dhorang, District Yamuna Nagar from village Duliani, Tehsil Barara, District Ambala, with Amarjeet Singh as pillion rider. When they reached on the way, respondent No.1, while driving truck No. HR-38-1655 in a rash and negligent manner, came from the opposite direction and drove on the extreme wrong side



of the road and struck the motorcycle. Due to the forceful impact, Jagat Singh sustained fatal injuries and died, whereas Amarjeet Singh also suffered injuries. The accident occurred solely due to the rash and negligent driving of respondent No.1. The truck was owned by respondent No.2 and insured with respondent No.3 at the relevant time. The deceased Jagat Singh, aged about 42 years, was an agriculturist and was also earning from dairy farming and use of combine, with a monthly income of about Rs.30,000/-, and the claimants, being his legal representatives, have claimed compensation on account of his death. Amarjeet Singh has also claimed compensation on account of injuries suffered by him in the same accident.

3. The respondents contested the petitions and denied negligence on the part of respondent No.1, alleging that the accident occurred due to rash and negligent driving of the motorcycle by Jagat Singh himself. It was further pleaded that respondent No.1 was driving on the correct side at a moderate speed, and respondent No.3 also raised objections regarding maintainability and liability.

4. Upon a comprehensive appreciation of the oral as well as documentary evidence brought on record, the learned Motor Accident Claims Tribunal returned a categorical finding that the accident in question stood duly established and that the same had occurred on account of rash and negligent driving of truck No. HR-38-1655 by respondent No.1, which resulted in the death of Jagat Singh. The finding on negligence was principally founded upon the testimony of Amarjeet Singh (PW-2), who was himself injured in the accident and had witnessed the occurrence. He categorically deposed that Jagat Singh was driving the motorcycle on the correct side of the road, when the offending truck came from the opposite direction on the wrong side and struck



against the motorcycle. His testimony was found to be natural, consistent and trustworthy and stood duly corroborated by the prompt registration of FIR on his statement and by the deposition of Ashok Kumar, Criminal Ahlmad (PW-3), who proved that respondent No.1 was facing criminal trial in respect of the said accident. The learned Tribunal further observed that respondent No.1, against whom specific allegations of negligence were levelled, did not appear in the witness box to rebut the same, and no cogent evidence was led by the respondents to discredit the version of the claimants.

5. The learned Tribunal further held that the death of Jagat Singh as a consequence of injuries sustained in the accident stood duly proved from the testimony of Talvinder Kaur (PW-1) and Amarjeet Singh (PW-2), which was corroborated by the post-mortem report placed on record. It was also proved through the medical evidence of the treating doctors, namely Dr. Rajneesh Mehta (PW-6) and Dr. Pardeep Kumar Kohli (PW-8), that Amarjeet Singh had suffered fracture of patella of his right leg in the said accident and remained admitted in hospital for treatment. The medical evidence remained unshaken on material particulars and there was no suggestion disputing that the injuries were suffered in the accident. In the absence of any effective rebuttal and in view of the consistent ocular as well as medical evidence, the learned Tribunal conclusively held that the accident had occurred due to rash and negligent driving of truck No. HR-38-1655 by respondent No.1, resulting in fatal injuries to Jagat Singh and injuries to Amarjeet Singh.

CONTENTIONS

6. Learned counsel for the appellants submitted that the compensation determined by the learned Tribunal is manifestly inadequate and contrary to the settled principles governing the assessment of just compensation. Learned



counsel argued that the multiplier applied by the learned Tribunal is erroneous and not in consonance with the age of the deceased. Learned counsel for appellants also submitted that the amounts awarded towards loss of consortium and loss of estate are unrealistically low and that the learned Tribunal failed to award compensation under other mandatory conventional heads. Additionally, no addition towards future prospects was made. On these grounds, it was urged that the impugned award calls for enhancement so as to grant just, fair and reasonable compensation to the claimants.

7. Learned counsel for respondent No.3 supported the award of the learned Tribunal, contended that the award had been passed after a proper and thorough appreciation of the evidence on record and therefore, did not warrant any interference by this Court.

OBSERVATIONS AND FINDINGS

8. I have heard learned counsel for the parties and perused the complete records. On due consideration of the findings recorded by the learned Tribunal, particularly on the issue of negligence and fastening of liability, I find no reason to take a different view. The findings on those aspects are accordingly affirmed. However, the core issue arising in the appeal pertains to the reassessment of the quantum of compensation.

9. Compensation requires reassessment strictly in terms of the principles laid down by Hon'ble the Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680, *Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram*, 2018 (18) SCC 130 and *Sarla Verma v. DTC*, (2009) 6 SCC 121, wherein the framework for computation of "loss of dependency" by addition towards future prospects as per the nature of employment, deducting personal expenses of deceased, and applying



appropriate multiplier on the basis of age of the deceased, and standardized amounts for conventional heads such as loss of estate, funeral expenses and loss of consortium, has been settled. The present matter, therefore, call for recalculation of the amount under each of these heads by applying the correct deduction on basis of dependency and correct multiplier relatable to the age of the deceased and by granting the admissible sum towards consortium and other conventional heads as mandated in the aforesaid decisions. The reassessment is structured as under:

REASSESSED COMPUTATION

Particulars	Awarded by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	3,000/-	3,000/-
Income With Future Prospects (25%)	x	3,750/- (3,000 + 750)
After Deduction (4 dependents)	2,000/- (1/3rd for personal expense)	2,813/- (1/4th for personal expense)
Annual Contribution To Family	24,000/- (2000x12)	33,756/- (2,813x12)
Multiplier (age 45 yrs)	13	14
Loss Of Dependency	3,12,000/- (24,000x13)	4,72,584/- (33,756 × 14)
Spousal Consortium	5000/-	40,000
Parental Consortium		80,000
Filial Consortium		40,000/-
Funeral Expenses	2000/-	15,000/-
Loss Of Estate	2500/-	15,000/-
Total	3,21,500/-	₹6,62,584/-



10. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹3,21,500/-to **₹6,62,584/-**. The enhanced amount shall carry the interest at rate of 7% per annum from the date of filing of the claim petition till realization. The liability and apportionment of the compensation shall remain the same as determined by the learned Tribunal.

11. The appeal is accordingly partly **allowed** with modification of the award to the above extent. All other conditions of the award, not inconsistent with this judgment, shall remain unaltered.

12. Since the main case has been decided, pending miscellaneous application(s), if any, stands also disposed of.

18.02.2026
Saurav Pathania

(VIRINDER AGGARWAL)
JUDGE

(i) Whether speaking/reasoned : Yes/No
(ii) Whether reportable : Yes/No