IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(217) **FAO-3063-2002(O&M)**
Date of Decision-17.02.2026

GURDIAL SINGH AND ANOTHER … APPELLANTS

VERSUS

HAKAM SINGH AND OTHERS … RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Rajbir Wasu, Advocate
for appellants

Mr. Ankur Gupta, 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 21.03.2001 passed by the Motor Accident Claims Tribunal, Rupnagar, whereby the compensation of ₹1,41,000/- along with interest at 9% per annum was granted on account of death of Kashmira Singh in a motor vehicular accident that took place on 18.02.1998.

BACKGROUND FACTS

2. The brief facts of the case are that on 18.02.1998 at about 5:00 PM, the deceased Kashmira Singh, aged about 18 years, was proceeding from his village towards Kurali on a bicycle along with his friend Charanjit Singh. The deceased was riding the bicycle while Charanjit Singh was seated on the carrier. When they reached the village Bhago Majra near Chaklan area, a Maruti Van bearing registration No. CHK-0011, driven by respondent No.2 in a rash and negligent manner, came from the Ropar side and struck the bicycle from behind. Both occupants sustained multiple injuries and were initially taken to Civil Hospital,

Kurali, and thereafter referred to PGI, Chandigarh. Kashmira Singh succumbed to his injuries on 21.02.1998, while Charanjit Singh survived with injuries.Thereafter, the claimants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation on account of the death of Kashmira Singh

3. Upon a comprehensive appreciation of the oral as well as documentary evidence adduced on record, the learned Motor Accident Claims Tribunal, Rupnagar, returned a categorical finding that the accident in question, resulting in the death of Kashmira Singh, stood duly established and that the same had occurred on account of the rash and negligent driving of respondent No.2, Gurcharan Singh, while driving Maruti Van No. CHK-0011. The finding on negligence was principally founded upon the ocular testimony of Charanjit Singh (PW-2), who was accompanying the deceased on the bicycle at the time of the occurrence and himself sustained injuries in the accident. While proceeding to determine the quantum of compensation, the learned Tribunal assessed the age of the deceased at about 18 years. Further, the learned Tribunal accepted the statement of the claimants that the deceased was working in Swaraj Mazda at Ropar and earning approximately ₹1,600/- per month. In the absence of rebuttal evidence, the said income was taken as the basis for computation. Keeping in view the young age of the deceased and the likelihood that he would have married in due course and started his own family, the learned Tribunal assessed the dependency of the parents in two phases. For the initial three years, it was reasonably estimated that the deceased would have contributed ₹1,000/- per month to his parents, and for the subsequent period of ten years, his contribution was assessed at ₹500/- per month. Applying a multiplier of 13, keeping in view the age of the parents (48 and 45 years

respectively), the total loss of dependency was computed at ₹96,000/-. In addition thereto, the learned Tribunal awarded ₹20,000/- towards loss of love and affection and ₹25,000/- towards funeral expenses and last rites. Consequently, the total compensation was determined at ₹1,41,000/-, along with interest at the rate of 9% per annum from the date of filing of the petition till realization, fastening joint and several liability upon the respondents.

CONTENTIONS

4. 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 last rites 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.

5. 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

6. 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.

7. 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	**Reassessed Award (₹)**
Monthly Income	**1600/-**
Income With Future Prospects (40%)	**2,240/- (1,600 + 640)**
After Deduction (**Unmarried**)	**1,120/- (50% for personal expenses)**
Annual Contribution To Family	**13,440/- (1,120x12)**
Multiplier **(age 18 yrs)**	**18**

Loss Of Dependency	**2,41,920/-** **(13,440 × 18)**
Filial Consortium	**80,000/-**
Funeral Expenses	**15,000/-**
Loss Of Estate	**15,000/-**
Total	**₹3,51,920/-**

11. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹1,41,000/- to **₹3,51,920/-**. 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

12. Accordingly, the appeal is 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.

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

(VIRINDER AGGARWAL)
JUDGE

17.02.2026
Saurav Pathania

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