IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

223 **(1) FAO-2350-2002 (O&M)**
Date of decision :13.05.2026

SMT. SURJEET KAUR AND OTHERS ... APPELLANTS

VERSUS

KULDEEP SINGH AND OTHERS ...RESPONDENTS

(2) FAO-2351-2002 (O&M)

ANKIT AND OTHERS ... APPELLANTS

VERSUS

KULDIP SINGH AND OTHERS ...RESPONDENTS

(3) FAO-2352-2002 (O&M)

MASTER ANKIT AND OTHERS ... APPELLANTS

VERSUS

KULDIP SINGH AND OTHER ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Nitin Rathee, Advocate and
Mr. Tanvir Singh, Advocate
for the appellants

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PARMOD GOYAL, J. (ORAL)

1. Appellants-claimants have filed three appeals which are being taken up together as all the three claim petitions preferred by appellants-claimants were decided by common impugned award dated 07.12.1996, passed by learned Motor Accident Claims Tribunal, Hisar (hereinafter referred to as

'**Tribunal**'). Appellants-claimants in FAO No.2350-2002 being the parents of deceased Raju @ Raju Kumar, aggrieved by the grant of compensation of Rs.1,34,400/- by Tribunal and have sought enhancement of compensation. Appellants-claimants in FAO No.2351-2002 being the children of deceased Baljit Singh are aggrieved by the grant of compensation of Rs.9,96,800/- by Tribunal and have sought enhancement of compensation. Appellants- claimants in FAO No. 2352-2002 being the children of the deceased Ram Bhateri @ Rama are aggrieved by the grant of compensation of Rs.3,32,266/- by Tribunal and have sought enhancement of compensation.

2. Deceased Raju @ Raju Kumar, Baljeet Singh and Ram Bhateri @ Rama (hereinafter referred to as "deceased") had died in motor vehicular accident which took place on 30.09.1995 on account of rash and negligent driving by respondent No.1 while driving bus bearing registration No. HR10-A-4689.

3. 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.

4. Appellants-claimants have sought enhancement in compensation. On the other hand, learned counsel for respondents has argued that sufficient amount has already been granted compensation in the present case and there is no scope of any enhancement.

FAO No. 2350 of 2002

5. The Tribunal in the present case had awarded the following

compensation in the claim petition filed by the parents of deceased Raju @ Raju Kumar:

Income of deceased	Rs.2,800/- per month
Deduction	1/2
Multiplier	8
Total compensation awarded	Rs.1,34,400/- (1400 x 8 x12)

6. Learned counsel for appellants-claimants has sought enhancement in compensation on following grounds that:-

- Future prospects were not added while determining loss of earning capacity. Future prospects to the extent 40% of monthly income needs to be added as the deceased was 28 years of age at the time of accident.
- Learned Tribunal has erred in applying the multiplier of '8' instead of correct multiplier of '17' keeping in view age of the deceased to be '28' years.
- 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. Appellants-claimants have duly proved that deceased was working with Choudhary Auto Sales, Auto Market, Hisar as a Sales Representative by examining PW-5 Raj Kumar Goyal, the Accountant and by providing salary certificate Ex. P-18, wherein salary of deceased is shown as Rs. 2,800/- per month. The learned Tribunal had taken income of deceased to be Rs.2,800/- per month. Since no challenge has been made by the learned counsel for the appellant-claimant to the income of the deceased as assessed by the learned

Tribunal, the same is accordingly upheld. No future prospects were taken into consideration by learned Tribunal. Deceased was aged 28 years old at the time of accident and in view of **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.**, 2017 (16) SCC 680, appellants-claimants are entitled to future prospects while calculating loss of dependency, therefore 40% towards future prospects needs to be added. Deceased was a bachelor and survived by parents, therefore 50% of income has to be deducted towards personal expenses. Keeping in view age of the deceased as 28 years old, multiplier of '17' would be applicable instead of '8' as awarded by learned Tribunal. Appellants-claimants shall also be entitled to Rs.15,000/- to each of the claimant towards loss of filial consortium, Rs.7,500/- each towards loss of estate and funeral expenses apart from loss of dependency.

8. Accordingly, the reworked compensation payable to appellants-claimants is as under:-

Income of deceased	Rs.2,800/- per month	Rs.2,800/- per month
Deduction	50% (2800-1400)	Rs.1,400/-
Future Prospects	40% (1400+560)	Rs.1,960/-
Multiplier	17	17
Total loss of dependency	Rs.1,960x17x12	Rs.3,99,840/-
Loss of estate		Rs.7,500/-
Funeral expenses		Rs.7,500/-
Filial consortium to Claimant No. 1 &2	Rs.15,000/-x2	Rs.30,000/-
Compensation awarded by Tribunal	Rs.1,34,400/-	
Compensation awarded in appeal		Rs.4,44,840/-
Enhancement of compensation	Rs.4,44,840/-(as awarded in appeal)-Rs.1,34,400/-(as awarded by Tribunal)	Rs.3,10,440/-

FAO No. 2351 of 2002

9. The Tribunal in the present case had awarded the following compensation in the claim petition filed by the two children of deceased Baljit Singh:

Income of deceased	Rs.93,450/- per annum
1/3rd Deduction	Rs.31,150/- (93450-31150)
Multiplier	16
Total compensation awarded	Rs.9,96,800/- (Rs.62,300 x 16)

10. Learned counsel for appellants-claimants has sought enhancement in compensation on following grounds that:-

- 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 38 years of age at the time of accident.
- 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.

11. Appellants-claimants have duly proved that deceased was proprietor of M/s Chaudhary Auto Sales, Hisar by examining PW-1 Vinod Kumar from UDC Office of Income Tax and PW-4, who deposed that vide Income Tax Returns Ex. P-3, the income of deceased was Rs. 93,450/- per annum. Since no challenge has been made by the learned counsel for appellant-claimant to the income of the deceased as assessed by the learned Tribunal, the

same is accordingly upheld. Since the deceased was 38 years of age at the time of accident, multiplier of '15' would be applicable. The Tribunal has not made any addition towards loss of future prospects. Since the deceased in the present case was 38 years of age, an addition of 40% towards future prospects would be applicable. In the present case the appellants-claimants shall also be entitled to compensation of Rs.7,500/- towards funeral expenses, Rs 7,500/- loss of estate and Rs.15,000/- to each of the appellants-claimants towards filial consortium.

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

Income	Rs.93,450/- per annum	Rs.93,450/- per annum
Future Prospects	40% (93,450+37,380)	Rs.1,30,830/-
Deduction	1/3rd (130830-43610)	Rs.87,220/-
Multiplier	15	15
Total loss of dependency	Rs.87,220x15	Rs.13,08,300/-
Loss of Estate		Rs. 7,500/-
Funeral Expenses		Rs. 7,500/-
Loss of filial consortium to claimant nos.1&2	Rs. 15,000/- x 2	Rs.30,000/-
Total Compensation awarded in appeal		Rs.13,53,300/-
Total Compensation awarded by the Tribunal	Rs.9,96,800/-	
Enhanced amount of compensation	Rs.13,53,300/- (awarded in appeal) – Rs.9,96,800/- (awarded by the Tribunal)	Rs.3,56,500/-

FAO No. 2352 of 2002

13. The Tribunal in the present case had awarded the following compensation in the claim petition filed by the two children of deceased Ram Bhateri @ Rama:

Income of deceased	Rs.31,500/- per annum
Deduction	1/3rd
Multiplier	16
Total compensation awarded	Rs.3,32,266/-

14. Ld. Counsel for appellant-claimants has sought enhancement in compensation on following grounds that :

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

15. In the present case, since no challenge has been made by the learned counsel for the appellant-claimant to the income of the deceased as assessed by learned Tribunal, the same is accordingly upheld. Since the deceased was 37 years of age at the time of accident, multiplier of '15' would be applicable. The Tribunal has not made any addition towards loss of future prospects. Since the deceased in the present case was 37 years of age, an addition of 40% would be applicable. In the present case the appellants-claimants shall also be entitled to compensation of Rs.7,500/- towards funeral expenses, Rs 7,500/- loss of estate

and Rs.15,000/- to each of the appellants-claimants towards filial consortium.

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

Income	Rs.31,500/- per annum	Rs.31,500/- per annum
Future Prospects	40% (31500+12600)	Rs.44,100/-
Deduction	1/3rd (44100-14700)	Rs.29,400/-
Multiplier	15	15
Total loss of dependency	Rs.29,400x15	Rs.4,41,000/-
Loss of Estate		Rs. 7,500/-
Funeral Expenses		Rs. 7,500/-
Loss of filial consortium to claimant nos.1&2	Rs. 15,000/- x 2	Rs.30,000/-
Total Compensation awarded in appeal		Rs.4,86,000/-
Total Compensation awarded by the Tribunal	Rs.3,32,266/-	
Enhanced amount of compensation	Rs.4,86,000/- (awarded in appeal) – Rs.3,32,266/- (awarded by the Tribunal)	Rs. 1,53,734/-

17. In all the three appeals, claimants shall be entitled to 7.5% interest on enhanced amount of compensation from date of filing of claim petition till realization. Apportionment and liability of respondents to pay compensation shall be as per the award.

18. Appeals are accordingly allowed in above terms.

19. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

20. A photocopy of this order be placed on the files of other connected cases.

13.05.2026 **(PARMOD GOYAL)**
manoj **JUDGE**

Whether speaking/reasoned	Yes
Whether reportable	Yes/No