

2026:PHHC:084549



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

210

FAO-3018-2002 (O&M)
Date of decision :27.05.2026

SMT. SHARMILA DEVI AND OTHERS

... APPELLANTS

VERSUS

KRISHAN KUMAR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Kulvir Narwal, Advocate
for the appellants.

Mr. Sudhanshu Makkar, Advocate
for the respondent-Insurance Company.

PARMOD GOYAL, J. (ORAL)

1. Present appeal has been preferred by the appellants-claimants being the wife, children and mother of the deceased- Balwan Singh (hereinafter referred to as the '**deceased**'), who died in motor vehicular accident dated 22.11.1997, caused due to the rash and negligent driving of respondent No.1 while driving Tanker bearing registration No. HR-11-2050.
2. Being aggrieved by the impugned award dated 10.09.2001, passed by Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as '**Tribunal**'), whereby appellants-claimants were found entitled to total compensation of Rs.4,80,000/-, the appellants-claimants are seeking enhancement of compensation awarded by the Tribunal as the same is not in accordance with their entitlement.
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 the manner of accident, the detailed facts as regards to manner of accident are not being noticed for the sake of brevity.

4. The Tribunal in the present case had awarded the following compensation:

Income of deceased	Rs.3,783/- per month (as per salary certificate)
Deduction 1/3 rd (3783-1261)	Rs. 2,500/-
Multiplier	16
Total loss of Income & awarded compensation	Rs. 4,80,000/- (2,500 x12 x 16)

5. Ld. Counsel for claimants-appellants have sought enhancement in compensation on following grounds that :

- Future prospects were not added while determining loss of dependency. Future prospects to the extent 50% of monthly income needs to be added as the deceased was 30 years of age at the time of accident.
- Multiplier applied by learned Tribunal is ‘16’ whereas, keeping in view the age of deceased the multiplier of ‘17’ ought to have been granted.
- Learned Tribunal had wrongly deducted 1/3rd towards personal expenses whereas keeping in view the number of dependents survived by deceased i.e 04 deduction of 1/4th ought to be made while determining loss of dependency.
- Appropriate compensation amount needs to be granted under the heads loss of consortium, funeral expenses and loss of estate in accordance with law laid down by Hon’ble Supreme Court.

6. *Per contra*, learned counsel for respondent No.3 has argued that

sufficient amount has already been given as compensation in the present case and there is no scope of any enhancement.

7. 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 the learned Tribunal, the same is accordingly upheld. The learned Tribunal had taken income of deceased to be Rs.3,783/- per month. However, no future prospects were taken into consideration by learned Tribunal. Therefore, keeping in view age of deceased to be 30 years old at the time of accident multiplier of 17 would be applicable and addition of 50% towards future prospects needs to be taken into consideration in view of **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.**, 2017 (16) SCC 680. Since deceased was survived by four dependents, deduction of 1/4th is required to be made towards personal expenses for determining loss of dependency. Appellants-claimants shall also be entitled to Rs.7,500/- towards funeral expenses and Rs.7,500/- towards loss of estate and Rs.15,000/- to each of the claimant towards loss of spousal, parental and filial consortium.

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

Income of deceased	Rs.3,783/- per month (as per salary certificate)	Rs.3,783/- per month
Deduction	1/4th (3783-946)	Rs.2,837/-
Future Prospects	50% (2837+1418)	Rs.4,255/-
Multiplier	17	17
Total loss of dependency	Rs.4255x17x12	Rs.8,68,020/-
Loss of estate		Rs.7,500/-
Funeral expenses		Rs.7,500/-
Spousal consortium to		Rs.15,000/-

Claimant No.1		
Parental consortium to Claimant No. 2 &3	Rs.15,000/-x2	Rs.30,000/-
Filial consortium to Claimant No.4		Rs.15,000/-
Compensation awarded by Tribunal	Rs.4,80,000/-	
Compensation awarded in appeal		Rs.9,43,020/-
Enhancement of compensation	Rs.9,43,020/-(as awarded in appeal)- Rs.4,80,000/-(as awarded by Tribunal)	Rs.4,63,020/-

9. Appellants/claimants shall be entitled to enhanced compensation along with 7.5% interest from the date of filing of claim petition till realization Apportionment and liability to pay compensation shall be as per the award.
10. Appeal is accordingly allowed in above terms.
11. Pending application(s), if any, is/are disposed of accordingly

27.05.2026
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No