213 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-319-2001
Date of Decision: 16.02.2026

MEERA DEVI AND OTHERS

....Appellants

Versus

SUNIL KUMAR AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. N.C. Kinra, Advocate
Ms. Apoorva Kinra, Advocate
for the appellants.

Mr. Azad Singh, Advocate
for respondent No.4.

Mr. Om Pal Sharma, Advocate
for respondent No.5.

Parmod Goyal, J. (Oral)

Present appeal has been preferred by the appellants/claimants being the wife, minor children and father of the deceased- Subhash Chander (hereinafter referred to as the '**deceased'**), who died in motor vehicular accident which took place on 26.09.1995, on account of rash and negligent driving by respondent No.1 while driving bus belonging to Naya Bans Transport co-operative society, bearing registration No.HR-46-2802.

2. Being aggrieved by the impugned award dated 29.07.2000, passed by the Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as '**Tribunal**'), vide which the appellants-claimants were found entitled to total compensation of Rs.1,80,000/-, the appellants/claimants are seeking enhancement of compensation awarded by the Tribunal as the same is not 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 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.1,500/- per month
Deduction 1/3rd (1500-500)	Rs.1,000/-
Multiplier	15
Total Compensation awarded	Rs. 1,80,000/- (1000 x12 x15)

5. Ld. Counsel for claimants-appellants have 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 32 years of age at the time of accident and running a grocery shop and was earning Rs.7,000/- to Rs.8,000/- 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 32 years of age at the time of accident.
- Multiplier applied by learned Tribunal is ‘15’ whereas, keeping in view the age of deceased the multiplier of ‘16’ ought to have been granted.
- Deduction towards personal expenses of deceased was calculated at 1/3rd while determining dependency whereas deduction to the extent

of 1/5th ought to have been applied as deceased is survived by five dependents i.e. wife, three minor children and father.

- 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.

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. Admittedly, in the present case, deceased Subhash Chand Bindal was 32 years old at the time of accident. It is the claim of appellants/claimants that deceased was running a grocery shop in Delhi and was earning about Rs.7,000/- to Rs.8,000/- per month. However, except for PW2 Dhup Singh and PW3 Ram Kanwar no other evidence to prove income of deceased was proved on record. They had also not placed any material except for making oral assertions. Neither rent deed, account books or any other document showing that deceased was running a grocery shop was placed on record by appellants/claimants in support of their case. In absence of any cogent evidence regarding pleaded income and vocation of deceased, learned Court below had rightly taken deceased to be unskilled worker.

8. The accident took place on 26.09.1995. In 1995 minimum wages payable to unskilled worker were Rs.1,325/-. Learned Tribunal has taken income of deceased to be Rs.1,500/-. In view of the fact that Rs.1,500/- is close to minimum wages, no interference in the amount of notional income determined by learned Tribunal can be made. The notional income of deceased is therefore, taken as Rs.1,500/-, however, I find merit in the contention of learned counsel for appellants/claimants that while

determining loss of dependency, future prospects have not been taken into consideration by learned Tribunal. Future prospects need to be taken in view of judgment of **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.,** 2017 (16) SCC 680 and accordingly, keeping in view age of the deceased as 32 years, 40% of his notional income is taken towards future prospects. I also find that learned Tribunal applied multiplier of '15' whereas since age of deceased was 32 years old at the time of accident the multiplier ought to have been '16' and accordingly, multiplier of '16' is awarded.

9. It is also not in dispute that deceased is survived by five dependents i.e. wife, three minor children and father, accordingly, in view of judgment in **Sarla Verma Vs. Delhi Transport Corporation,** 2009 (3) RCR (Civil) 77, personal expenses have to be deducted to the extent of 1/5th of notional income to calculate loss of dependency. Appellants/claimants shall also be entitled to Rs.7,500/- each under the head loss of estate, funeral expenses and under loss of consortium @ Rs.15,000 each to wife, children and father on account of spousal, parental and filial consortium respectively.

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

Income of deceased	Rs.1,500/- per month (as awarded by the Tribunal)	Rs.1,500/- per month
Deduction	$1/5^{th}$ (1500 - 300)	Rs.1,200/-
Future Prospects	40% (1200+480)	Rs.1,680/-
Multiplier	16	16
Total loss of dependency	1680 x 16 x 12	Rs.3,22,560/-

Loss of estate		Rs.7,500/-
Funeral expenses		Rs.7,500/-
Spousal consortium to Claimant No.1		Rs.15,000/-
Parental consortium to Claimants No. 2, 3 and 4	15,000 x 3	Rs.45,000/-
Filial consortium to Claimant No. 5		Rs.15,000 /-
Compensation awarded by Tribunal	Rs.1,80,000/-	
Compensation awarded in appeal		Rs.4,12,560/-
Enhancement of compensation	Rs.4,12,560/-(awarded in appeal) - Rs.1,80,000/- (awarded by Tribunal)	Rs.2,32,560/-

11. Appellants/claimants shall be entitled to enhanced compensation along with 7.5% interest from the date of filing of claim petition till realization of entire amount. Apportionment and liability to pay compensation shall be as per award. Appeal is hereby allowed in above terms.

12. Pending application(s), if any, is/are disposed of accordingly.

(PARMOD GOYAL)
JUDGE

16.02.2026
chiranjeev

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No