



FAO-1197-2005(O&amp;M)

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

(225)

**FAO-1197-2005(O&M)  
Date of Decision-01.04.2026**

Jaswant Kaur and Others

... Appellants

Versus

Sukhpal Singh and Another

... Respondents

**CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Ishan Thakur, Advocate,  
Mr. L.S. Sidhu, Advocate  
for appellants.

Mr. Vinod Gupta, Advocate  
for respondent No.2/Insurance Co.

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**VIRINDER AGGARWAL, J.(ORAL)**

1. The present appeal has been preferred by the claimants seeking enhancement of the compensation awarded vide award dated 17.09.2004 passed by the learned Motor Accident Claims Tribunal, Mansa, on account of the death of Balour Singh in a motor vehicular accident.

**BACKGROUND FACTS**

2. The brief facts of the case are that on 25.06.2003 at about 8:30 a.m., Balour Singh was proceeding from village Man-Bibrian towards Mansa on his camel cart loaded with dry cattle feed for the purpose of selling the same at Mansa. His son Manjit Singh and one Jinder Singh were also travelling on the said cart. When they reached about 3 kilometres ahead of village Khokhar Kalan on the Mansa-Khokhar Khurd link road near the Dera of Bori Wala



Baba, a truck bearing registration No. RJ-13G-4980, being driven by Sukhpal Singh (respondent No.1) in a rash and negligent manner and at a high speed, came from the side of Khokhar Kalan and struck the camel cart from behind. Due to the forceful impact, the camel cart overturned into the roadside ditch and the occupants sustained injuries. Balour Singh suffered multiple grievous injuries on his body and was immediately taken to Civil Hospital, Mansa, from where he was referred to Government Medical College and Hospital, Chandigarh. Despite medical treatment, he ultimately succumbed to his injuries on 24.08.2003. Consequently, the legal representatives of the deceased filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 before the learned Motor Accident Claims Tribunal, Mansa, seeking compensation on account of the death of Balour Singh. Upon appreciation of the oral as well as documentary evidence on record, the learned Tribunal awarded a total compensation of Rs.2,95,000/- along with interest at the rate of 9% per annum from the date of filing of the claim petition till realization, fastening the liability jointly and severally upon the respondent No.1 & 2.

### **CONTENTIONS**

3. Learned counsel for the appellants contended that the compensation awarded by the learned Tribunal is inadequate and contrary to the settled principles governing determination of just compensation under the Motor Vehicles Act. It was submitted that the learned Tribunal erred in assessing the income of the deceased and in applying an incorrect multiplier, which resulted in reduction of the compensation. It was further argued that no addition towards future prospects was made and the amounts awarded under the conventional



heads are also inadequate. On these grounds, enhancement of the compensation has been sought.

4. Learned counsel for the respondent No.2 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**

5. 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.

6. Compensation requires re-assessment 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, calls for re-calculation 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 re-assessment is structured as under:

**REASSESSED COMPUTATION**

| Particulars                              | Award by Tribunal ( ) | Re-assessed Award (□)                   |
|------------------------------------------|-----------------------|-----------------------------------------|
| Monthly Income                           | 2,000/-               | 2,000/-                                 |
| Income With Future Prospects (10%)       | x                     | 2,200/-<br>(2,000 + 200)                |
| After Deduction<br>(5 Dependents)        | 1,800/-               | 1,650/-<br>(1/4th for personal expense) |
| Annual Contribution To Family            | 19,200/-              | 19,800/-<br>(1,650 x 12)                |
| Multiplier (age 50 yrs)                  | 11                    | 13                                      |
| Loss Of Dependency                       | 2,11,200/-            | 2,57,400/-<br>(19,800 × 13)             |
| Spousal Consortium                       | 5,000/-               | 40,000/-                                |
| Parental Consortium                      |                       | 1,60,000/-                              |
| Funeral Expenses                         | 2,000/-               | 15,000/-                                |
| Loss Of Estate                           | 2,500/-               | 15,000/-                                |
| Medical Expenses<br>(Medical Bills Ex.6) | 65,932/-              | 65,932/-                                |
| Total                                    | Rs.2,95,000/-         | Rs.5,53,332/-                           |

7. Resultantly, the compensation awarded by the learned Tribunal is enhanced from Rs.2,95,000/- to **Rs.5,53,332/-**. The enhanced amount shall carry the interest at rate of 7% per annum from the date of filing of the claim



petition till realization. Except for the modification of the quantum of compensation, all other findings recorded by the learned Tribunal, including those with regard to negligence, liability and mode of disbursement, shall stand affirmed.

8. 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.

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

**01.04.2026**

**POONAM**

**(VIRINDER AGGARWAL)**  
**JUDGE**

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