



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

(219)

**FAO-1446-2005(O&M)
Date of Decision- 20.02.2026**

Amandeep Singh and Another

... Appellants

Versus

Gandhi Sharma and Others

... Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. M.L. Saini, Advocate
for appellants

Ms. Ayushi Jain, Advocate,
Mr. Pardeep Goyal, 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 03.01.2005 passed by the Motor Accident Claims Tribunal, Kapurthala, whereby the compensation of ₹1,53,200/- along with interest at 9% per annum was granted on account of death of Atma Singh and Gian Kaur in a motor vehicular accident that took place on 17.12.1998.

BACKGROUND FACTS

2. The brief facts of the case are that on 17.12.1998 at about 8:15 p.m., Atma Singh and his wife Gian Kaur were proceeding towards the Bus Stand, Phagwara on scooter No. PB-07-E-2982. When they stopped at a red light near Rest House Chowk, Phagwara, a truck bearing registration No. PAT-887, allegedly driven rashly and negligently by respondent No.1, came from behind and rammed into their scooter. As a result of the impact, both sustained grievous injuries and succumbed to the same. FIR was promptly registered on



the statement of Amandeep Singh. Thereafter, the claimants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988, seeking compensation on account of the death of Atma Singh and Gian Kaur.

3. Upon a comprehensive appreciation of the oral as well as documentary evidence on record, the learned Tribunal, returned a categorical finding that the accident dated 17.12.1998, resulting in the death of Atma Singh and Gian Kaur, stood duly proved and had occurred on account of the rash and negligent driving of Truck No. PAT-887 by respondent No.1. The finding of negligence was primarily based on the ocular testimony of Satnam Singh (PW-1) and Amandeep Singh (PW-2), who were found to be natural and trustworthy witnesses to the occurrence. Their version was duly corroborated by the prompt lodging of the FIR (Ex. P-1), the Post-Mortem Reports (Ex.P2 and Ex.P3) of both the deceased, and other contemporaneous records. The learned Tribunal thus held that the accident occurred due to the rash and negligent driving of the offending vehicle by respondent No.1. With regard to the quantum of compensation, the learned Tribunal did not accept the claim of the petitioners that Atma Singh was serving as a Pharmacist and Gian Kaur as a JBT Teacher under the Punjab Government, observing that no legally admissible documentary evidence had been proved in accordance with law to substantiate their salaried employment and income. In the absence of cogent proof, Atma Singh was treated as a labourer and his monthly income was assessed at ₹2,100/-, out of which ₹700/- was deducted towards personal expenses, leaving a monthly contribution of ₹1,400/- to the family. Gian Kaur was treated as a housewife, and the value of her services was assessed at ₹700/- per month. Thus, the total monthly loss of dependency was calculated at ₹2,100/-.

Considering the age of Atma Singh to be about 54 years and that of Gian Kaur



to be about 50 years at the time of death, the Tribunal applied a multiplier of 6. The total loss of dependency was accordingly computed at ₹1,51,200/- (₹2,100 × 12 × 6). An additional sum of ₹2,000/- was awarded towards funeral expenses. Consequently, a total compensation of ₹1,53,200/- was awarded in favour of petitioner Nos.1 and 2, along with interest at the rate of 9% per annum from the date of filing of the petition till realization. The liability to pay the awarded amount was fastened jointly and severally upon all the respondents.

CONTENTIONS

4. Learned counsel for the appellants contended that the compensation awarded by the learned Tribunal is manifestly inadequate and contrary to the settled principles governing the determination of just compensation under the Motor Vehicles Act. It was submitted that the learned Tribunal has erred in assessing the income of the deceased. It was further argued that the multiplier applied by the learned Tribunal is erroneous and not in consonance with the age of the deceased, thereby resulting in substantial diminution of the compensation. Learned counsel also submitted that no addition towards future prospects was made, which is required in view of the settled legal position. Additionally, the amounts awarded towards funeral expenses and other conventional heads are wholly inadequate, and no compensation has been granted under certain mandatory conventional heads. On these grounds, it was urged that the impugned award warrants enhancement so as to award just, fair and reasonable compensation to the claimants.

5. Learned counsel for the 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 record. Upon due consideration of the findings recorded by the learned Tribunal, particularly on the issue of negligence and fastening of liability, I find no infirmity warranting interference. The conclusion that the accident occurred due to the rash and negligent driving of respondent No.1 and that the respondents are jointly and severally liable is well-reasoned and based on proper appreciation of evidence. The said findings are accordingly affirmed.

7. However, the core issue which arises for determination in the present appeal relates to the quantum of compensation. In my considered view, though the learned Tribunal correctly adjudicated the issue of negligence, it committed a manifest error while computing compensation by clubbing together the pecuniary loss arising out of the death of both deceased Atma Singh and Gian Kaur into a single consolidated figure. Each deceased was an independent contributor to the family, and the loss occasioned by their respective deaths required separate and distinct evaluation. The dependency flowing from the death of Atma Singh and the loss of services and contribution resulting from the death of Gian Kaur constituted separate heads of loss. By amalgamating the compensation into one composite calculation, the learned Tribunal failed to undertake a proper and individualized determination of just compensation, thereby resulting in an inaccurate assessment. In consonance with settled principles governing motor accident compensation, separate compensation ought to have been determined for each deceased.

8. Further, with regard to the income of the deceased, a perusal of the record reveals that the claimants pleaded that deceased Atma Singh was working as a pharmacist and deceased Gian Kaur was serving as a JBT teacher



under the Punjab Government and that both were earning substantial monthly salaries. However, no cogent documentary evidence has been proved on record to substantiate these assertions. Though certain documents (Mark A and Mark B) appear to have been referred to during the course of proceedings, the same were never proved in accordance with law. In the absence of reliable and legally admissible evidence, the pleaded income of the deceased cannot be accepted. In such circumstances, the income of the deceased is required to be assessed on the basis of the notional income prevailing at the time of the accident. Since Atma Singh was alleged to be working as a pharmacist and deceased Gian kaur, was alleged to be working as a JBT teacher. Therefore, it would be reasonable to treat them as a skilled labourer and assess their monthly income at ₹2,100/- keeping in view the prevailing wage rates of skilled labourer.

9. Moreover, this Court finds that the learned Tribunal has erred in law in declining compensation to petitioner No.3 solely on the ground that she was a married daughter and, therefore, not dependent upon the deceased. Such an approach is legally unsustainable. It is a settled proposition under the Motor Vehicles Act, 1988 that entitlement to compensation is not conditioned strictly upon proof of financial dependency, and that a married daughter continues to be a “legal representative” entitled to maintain a claim and to receive compensation, including under the conventional heads. The Hon’ble Supreme Court in *Smt. Manjuri Bera v. The Oriental Insurance Co. Ltd.*, 2007 (10) SCC 643 and *National Insurance Co. Ltd. v. Birender*, (2020) (11) SCC 356, affirmed that even major, married and earning sons/daughters are competent to claim compensation as legal representatives. Likewise, in *Seema Rani and others vs. Oriental Insurance Co. Ltd.*, 2025 (2) RCR (Civil) 48, the



entitlement of major married daughters was recognized, reiterating that the object of compensation is to address the comprehensive pecuniary and non-pecuniary loss suffered by the family on account of the untimely demise of the family member. It has been consistently held that marital status does not disentitle a daughter from claiming compensation and that parental consortium is payable to children irrespective of their marital status. The denial of compensation to petitioner No.3 solely on the premise of her marriage is thus contrary to the settled legal position and cannot be sustained. She is accordingly held entitled to compensation in accordance with law.

10. Therefore, the reassessment of compensation must be undertaken strictly in accordance with the principles laid down by the Hon'ble Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680; *Magma General Insurance Co. Ltd. v. Nanu Ram*, (2018) 18 SCC 130; and *Sarla Verma v. Delhi Transport Corporation*, (2009) 6 SCC 121. The aforesaid judgments have crystallized the framework for computation of "loss of dependency" by mandating addition towards future prospects depending upon the nature of employment, deduction of personal and living expenses based on the number of dependents, application of the appropriate multiplier relatable to the age of the deceased, and grant of standardized amounts under conventional heads such as loss of estate, funeral expenses and consortium. The present matter, therefore, calls for recalculation of compensation separately for each deceased by applying the correct multiplier, proper deduction in terms of dependency, addition towards future prospects wherever admissible, and award of amounts under the conventional heads as mandated in the above-referred authoritative pronouncements. The reassessment is structured as under:

(i) Reassessment Computation In Case of Atma Singh

Particulars	Reassessed Award (₹)
Monthly Income	2,100/-
Income With Future Prospects (10%)	2,310/- (2,100 + 210)
After Deduction (3 Dependents)	1,540/- (1/3rd for personal expense)
Annual Contribution To Family	18,480/- (1,540x12)
Multiplier (age 54 yrs)	11
Loss Of Dependency	2,03,280/- (18,480 × 11)
Parental Consortium (3 Child)	1,20,000 (40,000 x 3)
Funeral Expenses	15,000/-
Loss Of Estate	15,000/-
Total	₹3,53,280/-

(ii) Reassessment Computation In Case of Gian kaur

Particulars	Reassessed Award (₹)
Monthly Income	2,100/-
Income With Future Prospects (10%)	2,310/- (2,100 + 210)
After Deduction (3 Dependents)	1,540/- (1/3rd for personal expense)
Annual Contribution To Family	18,480/- (1,540x12)
Multiplier (age 50 yrs)	13
Loss Of Dependency	2,40,240/- (18,480 × 13)
Parental Consortium (3 Child)	1,20,000 (40,000 x 3)
Funeral Expenses	15,000/-
Loss Of Estate	15,000/-
Total	₹3,90,240/-

10. Thus, the total compensation payable is reassessed as under:

Name of Deceased	Compensation (₹)
Atma Singh	₹3,53,280/-
Gian Kaur	₹3,90,240/-
Total	₹7,43,520/-

11. Resultantly, the total compensation awarded by the learned Tribunal is



enhanced from ₹1,53,200/- to ₹7,43,520/-. The enhanced amount shall carry interest at the rate of 7% per annum from the date of filing of the claim petition till realization. All the respondents are held jointly and severally liable to pay the aforesaid enhanced compensation to the claimants.

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.

20.02.2026
Saurav Pathania

(VIRINDER AGGARWAL)
JUDGE

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