



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

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FAO-2118-2005 (O&M)**Date of decision:29.04.2026**

RADHA AND OTHERS

...APPELLANTS

VERSUS

PARAMJIT SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None for appellants.

Ms. Ayushi Jain, Advocate for
Mr. Pardeep Goyal, Advocate
for respondent No.3-Insurance Company.

PARMOD GOYAL, J. (ORAL)

Present first appeal has been preferred by appellants-claimants against impugned award dated 07.01.2005 passed by learned Motor Accident Claims Tribunal, Ambala (hereinafter referred to as '**Tribunal**'), being aggrieved by quantum of compensation.

2. Despite due notice to learned counsel for appellant, no representation has been made on behalf of appellants-claimants. This appeal is being decided with able assistance of Ms. Ayushi Jain, Advocate for respondent No.3-Insurance Company.

3. The case of appellants-claimants was that on 18.09.2000, when Sohan Lal (hereinafter referred to as '**deceased**') was going from Ambala Cantt. bus stand to main bazar on his rickshaw rehri, he was hit from behind by a private bus bearing registration No.PB-11-P/4381 (hereinafter referred to as '**offending vehicle**'), which was being driven by respondent No.1-driver in rash and negligent manner. As far as negligence of respondent No.2 is concerned, same was accepted as was asserted by claimants before the

Tribunal and issue No.1 with regard to negligence on the part of offending vehicle was decided in favour of appellants-claimants.

4. No appeal challenging findings of learned Tribunal on issue No.1 has been filed and therefore detailed facts regarding manner of accident are not being noted herein for the sake of brevity.

5. It was the claim of appellants-claimants that deceased was earning Rs.6,000/ per month, was aged 35 years and was survived by four dependents. Learned Tribunal, however, by placing reliance upon Ex.PW3/B, took age of deceased as 51 years after rejecting the post-mortem report regarding age of deceased wherein he was mentioned to be of 35 years old. Challenge is being made to this finding recorded by learned Tribunal as well as for non-grant of future prospects, application of wrong multiplier and wrong deduction towards personal expenses of deceased.

6. On consideration, I find that though the appellants-claimants have claimed that deceased was earning Rs.6,000/- per month, however except for oral assertion, no material was placed on record to show that deceased was earning Rs.6,000/- per month. The income of deceased was taken to be Rs.2,500/- per month as there was no cogent and reliable evidence in regard to same. The minimum wages as applicable to unskilled workers in the year 2003 were around Rs.1,900/-, however, learned Tribunal had taken the income of deceased to Rs.2,500/- as he was self-employed and managing a *rehri* on his own. Therefore, income taken by learned Tribunal is not required to be modified and same is taken as Rs.2,500/- per month.

7. The learned Tribunal, however, has erred in taking age of deceased as 51 years on the basis of voters list as age of deceased was

mentioned as 35 years in post-mortem report. It is worth noticing that at the time of filing of claim petition in the year 2000, claimant No.1 widow of deceased was aged 30 years and deceased had 03 children, 02 minor sons and 01 minor daughter, who had sought compensation through their mother.

8. Keeping in view age of deceased as well as his dependents, it is clearly made out that the age so stated in the voters list, which is unverified cannot be taken in consideration when post-mortem report was available. Learned Tribunal ought to have accepted the age of deceased to be 35 years as per post-mortem report. Accordingly age of deceased is taken as 35 years at the time of his death. In present case, future prospects have not been granted by learned Tribunal. In view of **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.**, 2017 (16) SCC, appellants are entitled to future prospects to the extent of 40% as deceased was 35 years. Personal expenses to the extent of 1/3rd has been deducted by learned Tribunal, whereas, deceased was survived by four claimants, therefore, the deduction ought to have been 1/4th instead of 1/3rd. The multiplier in present case needs to be taken as per age of deceased, which was 35 years and accordingly multiplier of ‘16’ would be appropriate in present case. The appellants shall also be entitled to loss of spousal and parental consortium @ Rs.15,000/- each and Rs.7,500/- each towards loss of estate and funeral expenses.

9. Accordingly, re-worked compensation payable to appellants-claimants is as under:-

Income	Rs.2,500/- per month	Rs.2,500/- per month
Future Prospects	40% (2500+1000)	Rs.3,500/-
Deduction	1/4th	Rs.2,625/-

	(3500-875)	
Multiplier	16	16
Total loss of dependency	Rs.2,625 X 12 X 16	Rs.5,04,000/-
Loss of Estate		Rs.7,500/-
Funeral Expenses		Rs.7,500/-
Loss of spousal and parental consortium		Rs.15,000/-
Loss of parental consortium to claimants No.2, 3 and 4	Rs.15,000/- X 3	Rs.45,000/-
Total Compensation awarded by the Tribunal	Rs.2,52,600/-	
Total Compensation awarded in appeal		Rs.5,79,000/-
Difference of amount of compensation	Rs.5,79,000/- (as awarded in appeal) – Rs.2,52,600/- (as awarded by Tribunal)	Rs.3,26,400/-

10. Appellants shall also be entitled to interest over enhanced amount to the extent of 7.5% from the date of filing of claim petition till its realization. The apportionment and liability of respondents to pay compensation shall be as per award.

11. Present appeal is disposed of in above terms.

12. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

29.04.2026
Sunil Chander

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No