IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(104) FAO-3347-2005(O&M)
Date of Decision-02.02.2026

PREM AND OTHERS ... APPELLANTS

VERSUS

HARISH KUMAR AND OTHERS ... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Akinchan Aggarwal, Advocate,
for appellants.

Mr. D.K. Dogra, Advocate
for respondent No.3.

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VIRINDER AGGARWAL, J.(ORAL)

1. This appeal has been preferred by the claimants seeking enhancement of compensation awarded vide award dated 12.04.2005 passed by the Motor Accident Claims Tribunal, Bhiwani, whereby the compensation of ₹2,80,000/- along with interest at 9% per annum was granted on account of death of Satbir Singh in a motor vehicular accident that took place on 9.05.2003.

BACKGROUND FACTS

2. The brief facts of the case are that on 09.05.2003 at about 9:00 p.m. when the deceased, along with his younger brother Patal and cousin Mahender Singh, was returning on foot from the fields to his house and, upon reaching near the bus stop of village Dhanana, a trailer bearing registration No. HR-55-B-0551, driven by respondent No.1 Harish Kumar, came from behind at a high speed in a rash and negligent manner and hit the deceased, who sustained

fatal injuries and died at the spot. It was alleged that after the impact, the driver did not stop the vehicle and dragged the deceased for a distance of about 13 paces. FIR No.279 dated 10.05.2003 under Sections 279 and 304-A IPC was registered at Police Station Sadar, Bhiwani. Thereafter, the claimants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation of ₹15,00,000/- on account of the death of Satbir Singh.

3. Upon appreciation of the oral and documentary evidence on record, the learned Tribunal concluded that the accident in question resulting in the death of Satbir Singh stood duly proved and had occurred due to the rash and negligent driving of respondent No.1, Harish Kumar. The finding on negligence was primarily based on the ocular testimony of Patel (PW-2), the brother of the deceased and an eye-witness to the occurrence, duly supported by his affidavit (Ex.PW-2/A), whose version was found to be natural, consistent and reliable. The same stood further corroborated by the registration of FIR No. 279 (Ex.P-2) under Sections 279 and 304-A IPC at Police Station Sadar, Bhiwani, as well as by the post-mortem report (Ex.P-1), which established that Satbir Singh had died due to ante-mortem injuries sustained in a road traffic accident. While assessing compensation, the learned Tribunal determined the age of the deceased as 45 years. Although Prem Devi (PW-1), the widow of the deceased, in her affidavit (Ex.PW-1/A) deposed that the deceased was earning ₹15,000 per month as an agriculturist and milk vendor, the learned Tribunal, keeping in view the nature of the avocation and the absence of documentary proof, assessed his income by adopting the prevailing minimum wages for an unskilled labourer at ₹2,400 per month. After deducting one-third towards personal expenses, the monthly dependency was assessed at ₹1,600, i.e. ₹19,200 per annum, and by applying a multiplier of 14, the loss of dependency

was computed at ₹2,68,800. A further sum of ₹10,000 was awarded under conventional heads towards funeral expenses and loss of consortium, and consequently, total compensation of ₹2,80,000/- (rounded off) was awarded in favour of the claimants along with interest at the rate of 9% per annum.

CONTENTIONS

4. Learned counsel for the appellants submitted that the compensation determined by the learned Tribunal is manifestly inadequate and contrary to the settled principles governing the assessment of just compensation. It was contended that the learned Tribunal erred in assessing the income of the deceased at an unduly low figure, ignoring the evidence on record. Further, learned counsel argued that the multiplier applied by the learned Tribunal is erroneous and not in consonance with the age of the deceased. Learned counsel for appellants also submitted that the amounts awarded towards loss of consortium and last rites are unrealistically low and that the learned Tribunal failed to award compensation under other mandatory conventional heads. Additionally, no addition towards future prospects was made. On these grounds, it was urged that the impugned award calls for enhancement so as to grant just, fair and reasonable compensation to the claimants.

5. Learned counsel for 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 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.

7. Compensation requires reassessment 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, call for recalculation 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 reassessment is structured as under:

<u>REASSESSED COMPUTATION</u>

Particulars	Tribunal Award **(₹)**	**Reassessed Award (₹)**
Monthly Income	2400/-	**2,400/-**
Income With Future Prospects (25%)	x	**3,000/- (2400 + 600)**
After Deduction **(5 Dependents)**	1600/- **(1/3rd personal**	**2,250/- (1/4th for personal**

	expenses)	**expenses)**
Annual Contribution To Family	19,200/- (1,600x12)	**27,000/- (2,250x12)**
Multiplier **(age 45 yrs)**	14	**14**
Loss Of Dependency	2,68,800	**3,78,000/- (27,000 × 14)**
Spousal Consortium	10,000	**40,000/-**
Parental Consortium (4 children)		**1,60,000/- (40,000 × 4)**
Funeral Expenses		**15,000/-**
Loss Of Estate		**15,000/-**
Total	2,80,000/- (Rounded Off)	**₹6,08,000/-**

8. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹2,80,000/- to **₹6,08,000/-**. The enhanced amount shall carry the interest at rate of 7% per annum from the date of filing of the claim petition till realization. The liability and apportionment of the compensation shall remain the same as determined by the learned Tribunal.

9. The appeal is accordingly partly **allowed** with modification of the award to the above extent.

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

(VIRINDER AGGARWAL)
JUDGE

02.02.2026
poonam

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