

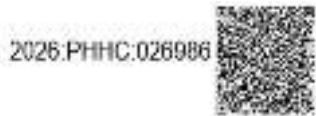


**FAO-507-2005 (O&M)
and other connected cases**

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

224	(1) FAO-507-2005 (O&M) Date of decision :19.02.2026
MANJIT KAUR	... APPELLANT
VERSUS	
AVTAR SINGH AND ORS.	...RESPONDENTS
	(2) FAO-508-2005 (O&M)
MANJIT KAUR	... APPELLANT
VERSUS	
AVTAR SINGH AND ORS.	...RESPONDENTS
	(3) FAO-3650-2004
HARJIT KAUR	... APPELLANT
VERSUS	
AVTAR SINGH AND ORS.	...RESPONDENTS
	(4) FAO-3651-2004
HARJIT KAUR	... APPELLANT
VERSUS	
AVTAR SINGH AND ORS.	...RESPONDENTS
	(5) FAO-3652-2004
HARJIT KAUR	... APPELLANT
VERSUS	
AVTAR SINGH AND ORS.	...RESPONDENTS

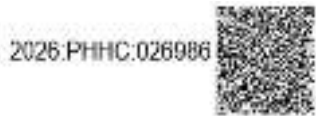
MANOJ KUMAR
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integrity of this document



**FAO-507-2005 (O&M)
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are aggrieved either by the dismissal of their claim petitions or by the inadequate compensation awarded by the Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as the “Tribunal”) vide impugned award dated 17.05.2004. The details of the appellants-claimants as well as their respective claims are briefly noted hereunder:

FAO No.	MACT No.	Title	Claimants	Death/Injury	Amount awarded
507 of 2005	85 of 2000	Manjit Kaur Singh Vs. Avtar Singh & Ors.	Wife and father of deceased	Death -Tek Inder Singh, aged 34 years old working in Canada and earning \$35,000/-.	Claim petition dismissed
508 of 2005	84 of 2000	Manjit Kaur Singh Vs. Avtar Singh & Ors.	Mother and grandfather of deceased	Death - Deman Inder Singh, aged 7 years	Claim petition dismissed
3650 of 2004	67 of 2000	Harjit Kaur Vs. Avtar Singh & ors.	Injured herself	Injury - Harjit Kaur, aged 32 years-Suffered 20% disability	Rs.2,63,800/-
3651 of 2004	68 of 2000	Jaswinder Singh Vs. Avtar Singh & ors.	Father of deceased	Death - Tinveer Inder Singh, aged 12 years	Rs.1,52,000/-
3652 of 2004	69 of 2000	Harjit Kaur Vs. Avtar Singh & ors.	Wife and father of deceased	Death- Bir Inder Singh, aged 33 years- Agriculturist	Rs.3,14,000/-
4104 of 2004	62 of 2000	Jaswinder Singh Vs. Avtar Singh	Father	Death- Harlin Kaur, aged 6 years	Rs. 1,52,000/-
4105 of 2004	63 of 2000	Jaswinder Singh Vs. Avtar Singh	Father	Death-Gurpartap Singh, aged 1 year	Rs.1,00,000/-



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		& Ors.			
4106 of 2004	83 of 2000	Yadwinder Singh Vs. Avtar Singh & Ors.	Husband of deceased	Death - Shawinder Kaur, aged 55 years- Homemaker	Claim petition dismissed
4740 of 2004	64 of 2000	Jaswinder Singh Vs. Avtar Singh & Ors	Husband of deceased	Death- Parminder Kaur, aged 33 years - Homemaker	Rs.2,95,000/-

2. Deceased Tek Inder Singh (aged 34 years old), Deman Inder Singh (aged 7 years old), Tinveer Inder Singh (aged 12 years old), Bir Inder Singh (aged 37 years old), Harlin Kaur (aged 6 years old), Gurpartap Singh (aged 1 year old), Shawinder Kaur (aged 55 years old) and Parminder Kaur (aged 33 years old) had died and appellant-claimant Harjit Kaur had suffered injuries in motor vehicular accident which took place on 23.02.2000 on account of rash and negligent driving by respondent No.1 while driving truck bearing registration No. PB-11-D-9070.

3. Since in present appeals 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. Appellants-claimants have sought setting-aside of dismissal of claim petition and enhanced compensation. However, learned counsel for respondents have argued that sufficient amount has already been given as compensation in the present case and there is no scope of any enhancement.

5. Since in FAO No. 507 of 2005, FAO No. 508 of 2005 and FAO No. 4106 of 2004 appellants-claimants are aggrieved by dismissal of their respective



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claim petitions therefore, these three petitions are being taken firstly to find out whether claimants are entitled to compensation or whether their claim petitions were rightly dismissed.

FAO Nos. 507 of 2005 & 508 of 2005

6. In these two appeals learned Tribunal had dismissed the claim petitions on the ground that they were not instituted by authorised person in view of failure of claimants to prove power of attorney in favour of Manvinder Singh through whom petition was filed by claimants. Admittedly, the claim petitions were filed through a power of attorney of the claimant(s). A photocopy of the power of attorney was annexed with the claim petitions and the attested copy was tendered in evidence by AW-3 who also stated that original has been lost. Learned Tribunal, however, concluded that as claimants have failed to prove power of attorney as they have not proved it by way of secondary evidence, therefore claim petitions had been filed without proper authorisation and were not maintainable.

7. Learned counsel for the appellants has contended that the learned Tribunal had wrongly rejected the power of attorney on the ground that the original was not produced, despite the fact that AW-3 had categorically stated that the original power of attorney has been lost. That learned Tribunal had erred in not considering the testimony of AW-3, who categorically stated in his examination that, after filing of the claim petition, the original power of attorney was lost. It is asserted that, in such circumstances, the Tribunal ought to have taken power of attorney to be proved by way of secondary evidence and should

not have dismissed the claim petitions on this ground alone.



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8. In the present case, the power of attorney holder, while appearing as AW-3, clearly asserted that the original power of attorney was lost during pendency of the claim petition and produced an attested photocopy thereof, which was marked on the record. For the purposes of proceedings under the Motor Vehicles Act, 1988 such a statement is sufficient compliance to prove the loss of a document and to permit secondary evidence, particularly when the authorisation in favour of the power of attorney holder was never challenged by the respondents. The strict principles of the Indian Evidence Act are not strictly applicable to proceedings under the Motor Vehicles Act, 1988. Proceedings under Section 166 of the Motor Vehicles Act, 1988 are in the nature of an inquiry, therefore, the technical rules of evidence applicable to regular civil trials do not strictly apply. The basic principles to be followed in proceedings under Section 166 of Motor Vehicles Act, 1988 must be in compliance with natural justice and good conscience. There is no dispute raised regarding the execution of the power of attorney. Once loss is proved then the attested photocopy of power attorney adduced in evidence of AW-3 has to be considered to have been proved by way of secondary evidence. Accordingly, it is held that claim petition was filed through power of attorney holder. Appellants/ claimants are, therefore, entitled to compensation in both the claim petitions/appeals.

FAO No. 4106 of 2004

9. Claim petition in present appeal was dismissed by Ld. Tribunal as petitioner had failed to appear as witness and prove the income of deceased. Learned counsel for the appellant-claimant has argued that learned Tribunal has wrongly dismissed the claim petition, as AW-3 had specifically deposed that the



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deceased was a homemaker. Therefore, merely because the appellant-claimant (husband of the deceased) was not examined, the petition could not have been dismissed, particularly when there was unrebutted evidence on record regarding the deceased's status, income and contribution.

10. Perusal of the record clearly reveals that AW-3 had duly appeared on behalf of the claimants and categorically deposed that the deceased was a homemaker. However, the testimony of AW-3 has not been properly appreciated by the learned Tribunal.

11. The examination of the appellant-claimant is necessary only in cases where certain facts are within the exclusive knowledge of appellant-claimant. There is no absolute rule that, in the absence of examination of the appellant-claimant, the entire evidence led by claimants must be discarded. If a fact stands proved by other cogent and reliable evidence, the same must be duly considered and cannot be rejected merely on the ground that it was not supported by the personal testimony of the appellant-claimant.

12. In the present case, the evidence regarding the status of the deceased as a homemaker was available on record duly stated by AW-3 and the same ought to have been considered. The learned Tribunal, therefore, had erred in dismissing the claim petition on this ground. Since it is proved that deceased was homemaker, therefore, in the present appeal also claimants-appellants are held entitled to compensation.

13. In view of above-noted discussion, wherein it has been held that all the appellants are entitled to compensation on account of deaths/injuries in



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accident dated 23.02.2000, for the purposes of convenience, in appeals where deceased were children (FAO Nos. 508, 3651, 4104 and 4105 of 2004) have been taken together, the cases where deceased were homemakers (FAO Nos. 3650, 4740 and 4106 of 2004) are being considered together and appeal No. 507 of 2005 and appeal No. 3652 of 2004 are being considered separately for determining quantum of compensation.

FAO Nos. 508, 3651, 4104 and 4105 of 2004 (Children)

14. Learned counsel for appellants-claimants have sought enhancement in compensation on following grounds in above-noted four appeals that:-

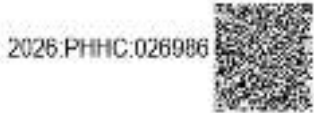
- Potential/notional income of deceased were not correctly taken.
- Future prospects were not added while determining loss of dependency.
- Correct multiplier has not been applied by learned Tribunal.
- Deduction towards personal expenses of deceased was not properly applied.
- Appropriate amount of compensation amount needs to be granted under the head funeral expenses, loss of estate and loss of filial and parental consortium in accordance with law laid down by Hon'ble Supreme Court.

15. FAO Nos. 508 of 2025, FAO Nos. 3651, 4104, 4105 of 2004, in all the above-noted four appeals, deceased were children aged 7 years, 12 years, 6 years and one year respectively. The question is whether a composite amount has to be paid to them or dependency has to be calculated on the basis of potential/notional income equivalent to unskilled worker.



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16. In **Devendra Kumar Tripathi & Ors. Vs. The Oriental Insurance Company Ltd. & Anr.**, 2026 (1) DNJ 12, Hon'ble Supreme Court had held that in a case of minor child notional income needs to be determined as per minimum wages with 40% future prospects. In case of 14 years child, multiplier of '15' was applied. Hon'ble Supreme Court in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, 2017 (16) SCC 680 had prescribed multiplier of '18' for age group of 15 to 20 years and 21 to 25 years. In **Birbal and Another Vs. Bhalla and Ors.**, FAO No.3408 of 2004 decided on 03.02.2026, multiplier method for children of different age group was adopted by this Court. It was held that multiplier on the basis of age groups needs to be applied to ensure uniformity. Taking clue from multiplier based system upon reduced dependency with age (as approved in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.** (supra), similar method was adopted in a case of child, who would remain dependent on his parents for number of years before he attains adulthood, to achieve uniformity in payment of compensation. It was held appropriate to award multiplier of '15' in case of child aged between 11 to 14, multiplier of '12' in a case of child aged between 06 to 10 years and multiplier of '10' in case of child between 03 to 05 and multiplier of '9' in case of child in the age group of 0 to 03 years. The above noted multiplier would offset period of dependency of deceased on his/her parents. Since all the deceased were minors and, upon attaining majority, would have earned their livelihood at least equivalent to that of an unskilled worker, their potential/notional income is assessed at Rs. 1,796/- per month minimum wages payable in year of accident. Claimants shall also be entitled to 40% addition



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towards future prospects and multiplier as noted above dependent on their age. 50% deductions towards personal expenses needs to be deducted as all the four deceased were unmarried and survived by parents/mother/father. Appellants-claimants would be entitled to Rs.7,500 towards loss of estate and Rs.7,500/- towards funeral expenses and the appellants-claimants would also be entitled to Rs.15,000/- towards loss of consortium.

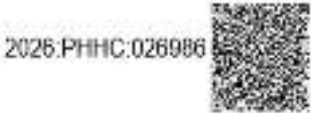
FAO No. 508 of 2004

17. In present case, since deceased was 7 years old, multiplier of ‘12’ would be appropriate for the purposes of determining loss of earning capacity. Appellants-claimants are entitled to following compensation:

Income	Rs.1,796 /- per month (as per minimum wages)	Rs.1,796/-
Future Prospects	40% (1796+718)	Rs.2,514
Deduction	50% (2514-1257)	Rs.1,257/-
Multiplier	12	12
Total Loss of dependency	Rs.1,257x12x12	Rs.1,81,008/-
Funeral Expenses		Rs.7,500/-
Loss of estate		Rs.7,500/-
Loss of filial consortium to claimant No.1		Rs.15,000/-
Compensation awarded in appeal		Rs.2,11,008/-
Enhanced amount of compensation	Rs.2,11,008/- (as awarded in appeal) -	

FAO No. 3651-2004

18. The Tribunal in the present case had awarded the following compensation in the claim petition filed by the mother of deceased Tinveer Inder Singh:



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Compensation awarded	Rs.1.50,000/-
Funeral expenses	Rs.2,000/-
Total compensation awarded	Rs.1,52,000/-

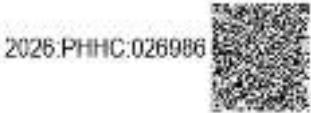
Reworked compensation payable to appellants-claimants in view of above-noted reasons is as under:

Income	Rs.1,796 /- per month (as per minimum wages)	Rs.1,796/-
Future Prospects	40% (1796+718)	Rs.2,514
Deduction	50% (2514-1257)	Rs.1,257/-
Multiplier	15	15
Total Loss of dependency	Rs.1,257x12x15	Rs.2,26,260/-
Funeral Expenses		Rs.7,500/-
Loss of estate		Rs.7,500/-
Loss of filial consortium to sole claimant.		Rs.15,000/-
Compensation awarded by Tribunal	Rs.1,52,000/-	
Compensation awarded in appeal		Rs.2,56,260/-
Enhanced amount of compensation	Rs.2,56,260/-(as awarded in appeal) - Rs.1,52,000/-(as awarded by Tribunal)	Rs.1,04,260/-

FAO No. 4104 of 2004

19. The Tribunal in the present case had awarded the following compensation in the claim petition filed by the father of the deceased Harlin Kaur:

Compensation awarded	Rs.1.50,000/-
Funeral expenses	Rs.2,000/-



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Total compensation awarded	Rs.1,52,000/-
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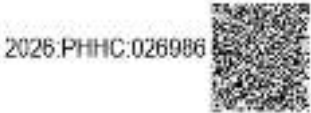
Reworked compensation payable to appellants-claimants in view of above-noted reasons is as under:

Income	Rs.1,796 /- per month (as per minimum wages)	Rs.1,796/-
Future Prospects	40% (1796+718)	Rs.2,514
Deduction	50% (2514-1257)	Rs.1,257/-
Multiplier	12	12
Total Loss of dependency	Rs.1,257x12x12	Rs.1,81,008/-
Funeral Expenses		Rs.7,500/-
Loss of estate		Rs.7,500/-
Loss of filial consortium to claimant No.1		Rs.15,000/-
Compensation awarded by Tribunal	Rs.1,52,000/-	
Enhanced amount of compensation	Rs. 2,01,008/- (as awarded in appeal) Rs. 1,52,000/- (as awarded by Tribunal)	Rs. 49,088/-

FAO No. 4105-2004

20. Appellant- claimant being the father of the deceased minor child, Gurpartap Singh (hereinafter referred to as ‘deceased’), are aggrieved by the award of Rs.1,00,000/- as awarded by the learned Tribunal. Reworked compensation payable to appellants-claimants in view of above-noted reasons is as under:

Income	Rs.1,796 /- per month (as per minimum wages)	Rs.1,796/-
Future Prospects	40% (1796+718)	Rs.2,514
Deduction	50% (2514-1257)	Rs.1,257/-
Multiplier	9	9

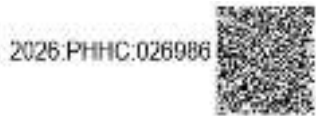


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Total Loss of dependency	Rs.1,257x12x9	Rs.1,35,756/-
Funeral Expenses		Rs.7,500/-
Loss of estate		Rs.7,500/-
Loss of parental consortium to claimant No.1		Rs.15,000/-
Compensation awarded by the Tribunal	Rs.1,00,000/-	
Compensation awarded in appeal		Rs.1,65,756/-
Enhanced amount of compensation	Rs.1,65,756/- (as awarded in appeal) - Rs.1,00,000/-(as awarded by Tribunal)	Rs.65,756/-

FAO Nos. 4740, 3650 and 4106 of 2004 (Homemakers)

21. In all the above-noted three appeals, injured and deceased were homemakers aged 32 years (injured), aged 33 years and aged 55 years respectively.
22. In FAO Nos. 3650, 4106 and 4740 of 2004, the contribution of the homemaker has not been properly assessed by the learned Tribunal. Merely because deceased was housewife, her contribution towards family cannot be considered any lesser than an earning member. A housewife contributes immensely towards the welfare of family and her contribution cannot be less than an earning member, who would have earned and contributed to the family in terms of money. This view of mine find support from **Kirti Singh & Anr. Vs. Oriental Insurance Company Ltd.**, 2021 (1) RCR (Civil) 478. Further, no addition has been made towards future prospects which ought to be 40% as per the law laid down by the Hon’ble Supreme Court in the case of **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.**, 2017 (16) SCC 680.



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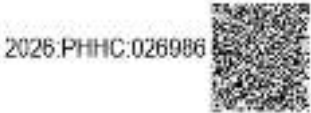
23. Keeping in view age of the deceased, Parminder Kaur in FAO No. 4704 of 2004, who was 33 years old and that of injured Harjit Kaur in FAO No. 3650 of 2004, who was 32 years old, multiplier of ‘16’ would be applicable in their cases to determine loss of dependency/loss of earning capacity. Since deceased Shawinder Kaur in FAO No. 4106 of 2004, was 55 years old multiplier of 11 shall be applicable. Further, the compensation awarded under the conventional heads and under the head ‘loss of consortium’ is not just and sufficient and needs to be enhanced. Appellants-claimants would be entitled to Rs.7,500 towards loss of estate and Rs.7,500/- towards funeral expenses and the appellants-claimants would also be entitled to Rs.15,000/- towards loss of consortium.

FAO No. 4740 of 2004

24. The Tribunal in the present case had awarded the following compensation in the claim petition filed by the husband of deceased Parminder Kaur:

Income	Rs.2,400/-
Deduction	1/3 rd
Multiplier	15
Loss of total dependency	Rs.2,88,000/- (Rs.1,600x12x15)
Loss of consortium	Rs.5,000/-
Funeral expenses	Rs.2,000/-
Total compensation awarded	Rs.2,95,000/-

Reworked compensation payable to appellants-claimants in view of above discussion would be as under:



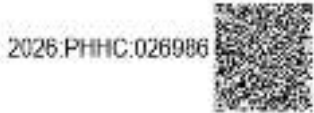
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Income	Rs.2,400 /- per month (as per minimum wages)	Rs.2,400/-
Future Prospects	40% (2400+960)	Rs.3,360/-
Deduction	50% (3360-1,680)	Rs.1,680/-
Multiplier	16	16
Total Loss of dependency	Rs.1,680x12x16	Rs.3,22,560/-
Funeral Expenses		Rs.7,500/-
Loss of estate		Rs.7,500/-
Loss of spousal consortium to claimant No.1		Rs.15,000/-
Compensation awarded by Tribunal	Rs.2,95,000/-	
Compensation awarded in appeal		Rs.3,52,560/-
Enhanced amount of compensation	Rs.3,52,560/-(as awarded in appeal) - Rs.2,95,000/-(as awarded by Tribunal)	Rs.57,560/-

FAO No.3650 of 2004

25. Learned Tribunal has granted following compensation in the claim
petition preferred by the Injured appellant- claimant

Income	Rs.2,500/- per month
20% permanent disability	Rs.500/- (20% of Rs.2,500/-)
Multiplier	15
Loss of dependency	Rs.90,000/- (Rs.500x15x12)
Loss of earning capacity during treatment	Rs.10,000/-
Medical expenses	Rs. 1,53,800/-
Pain and sufferings	Rs.10,000/-
Total compensation awarded	Rs.2,63,800/-

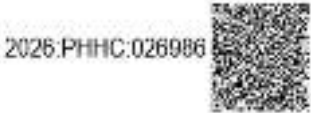


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26. Disability certificate was placed on record by injured-appellant-claimant as Ex. A71 vide which permanent disability to the extent of 20% was determined. Ex. A1 to Ex. A-80 are the medical bills placed on record. Keeping in view nature of disability, functional disability is taken as 20%. Though, learned Tribunal has granted compensation of Rs. 1,53,800/- for medical expenses, however, no amount for transportation, attendant, special diet was granted. Accordingly, Rs. 1,75,000/- is awarded towards medical expenses, transportation, special diet and attendant. Compensation under head pain and sufferings also need to be enhanced in view of permanent injury, accordingly same is enhanced to Rs. 30,000/-. Claimants shall also be entitled to compensation for loss of future amenities and future prospects which are quantified as Rs. 30,000/-.

Reworked compensation payable to injured-appellant-claimant is as under:

Income	Rs.2,500 /- per month	Rs.2,500/-
Future Prospects	40% (2500+1000)	Rs.3,500/-
20% functional Disability	20% of Rs.3,500/-	Rs.700/-
Multiplier	16	16
Total Loss of earning capacity	Rs.700x12x16	Rs.1,34,400
Pain and sufferings	Rs.10,000/- (as awarded by Tribunal)	Rs.30,000/-
Loss of income during treatment	Rs.10,000/- (as awarded by Tribunal)	Rs.10,000/-
Medical expenses, attendant, transportation charges and special diet		Rs.1,75,000/-
Loss of Future amenities and Future prospects		Rs.30,000/-
Compensation awarded by the Tribunal	Rs.2,63,800/-	



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Compensation awarded in appeal		Rs.3,79,400/-
Enhanced amount of compensation	Rs.3,79,400(as awarded in appeal) - Rs.2,63,800(as awarded by Tribunal)	Rs.1,15,600/-

FAO NO. 4106 of 2004

27. In the present case, the claimant-husband of the deceased sought compensation on account of death of Shawinder Kaur aged 55 years, who was homemaker. The petition was dismissed by learned Motor Accident Claims Tribunal on account of non-examination of appellant-claimant, however, in view of above discussion in para No. 9 and 12 of this judgment whereby appellant has been held to be entitled to compensation, following compensation shall be payable to appellant-claimant. Income of deceased has to be taken equivalent to income taken in case of deceased Parminder Kaur (FAO No. 4740 of 2004). Accordingly, income of deceased Shawinder Kaur is taken as Rs. 2,400/- per month.

Accordingly, compensation payable to appellant-claimant is as under:

Income	Rs.2,400/- per month (as per minimum wages)	Rs.2,400/-
Future Prospects	10% (2,400+240)	Rs.2,640/-
Deduction	50% (2,640-1320)	Rs.1320/-
Multiplier	11	11
Total Loss of dependency	Rs.1320x12x11	Rs.1,74,240/-
Funeral Expenses		Rs.7,500/-
Loss of estate		Rs.7,500/-
Loss of spousal consortium to claimant		Rs.15,000/-
Compensation awarded in appeal		Rs.2,04,240/-



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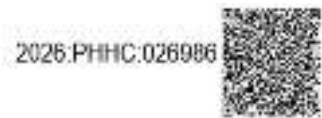
FAO Nos. 507 of 2005

28. In Civil Appeal No. 507 of 2005, it was pleaded that the deceased, Tek Inder Singh, was working in Canada and was earning 35,000/- Canadian dollars per day. In support of the said plea, a photostat copy of the passport was placed on record as Ex. A-1, a letter purportedly showing his employment with L. Field Industries Ltd., Canada was placed as Mark 'B'.

29. Admittedly, there is a lack of cogent evidence on the part of the claimants to prove employment and income of deceased. They have failed to prove the pleaded income and vocation of the deceased. No reliance can be placed upon document mark 'B' to conclude that the deceased was earning 35,000/- Canadian dollars per annum, in the absence of examination of the employer. Even the original employment letter was not placed on record. Therefore, the learned Tribunal rightly did not take the same into consideration.

30. However, from Ex. A-1, the passport of the deceased it stands established that he was a Canadian citizen. It can, therefore, be reasonably inferred that he was employed in Canada. He being young man of 34 years having family to support (2 of his dependents have claimed compensation), therefore, must be earning some amount.

31. The deceased died in the year 2001. At the relevant time, one Canadian dollar was equivalent to approximately Rs. 30/-. In the absence of reliable evidence regarding his exact income, and in view of the lack of proof of minimum wages in Canada on record, this Court after taking judicial notice of material on internet has considered the minimum wages prevalent in Canada in



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year 2000. It is made out that minimum wages ranged between 5 to 6.5 dollars per hour in the unorganized sector.

32. Taking the same as a benchmark and in the absence of any better evidence, it would be reasonable to assess the income of the deceased at 10,000 Canadian dollars per annum, which, at the prevailing exchange rate, comes to Rs. 3,00,000/- per annum. Future prospects of 40%, multiplier of 16 and personal expenses to the extent of 1/3rd would be applicable to determine loss of dependency. Appellants-claimants shall also be entitled to compensation for loss of estate, funeral expenses and loss of consortium.

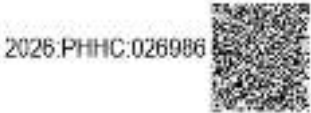
Accordingly amount of compensation awarded to appellants-claimants in view of above-noted reasons is as under:

Income	Rs.25,000/- per month	Rs.25,000 /-
Future Prospects	40% (25000+10000)	Rs. 35,000/-
Deduction	1/3 rd (35,000-11,667)	Rs. 23,333/-
Multiplier	16	16
Total Loss of dependency	Rs. 23,333x16x12	Rs. 44,79,936/-
Funeral Expenses		Rs.7,500/-
Loss of estate		Rs.7,500/-
Loss of spousal consortium to claimant No.1		Rs.15,000/-
Loss of filial consortium to claimant no. 2		Rs.15,000/-
Compensation awarded in appeal		Rs. 45,24,936/-

No.

FAO No. 3652 of 2004

33. The Tribunal in the present case had awarded the following compensation in the claim petition filed by the wife and father of deceased Birinder Singh:

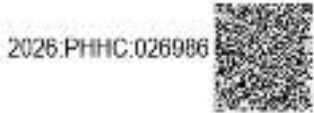


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Income	Rs.2,400/-
Deduction	1/3 rd
Multiplier	16
Loss of dependency	Rs.3,07,000/- Rs.1,600x12x16
Loss of consortium	Rs.5,000/-
Funeral expenses	Rs.2,000/-
Total compensation awarded	Rs.3,14,000/-

34. In the present case, it is the claim of the appellants-claimants that the deceased was 33 years old and was an agriculturist. It has been alleged that he was cultivating 110 acres of land. However, apart from oral assertions, no cogent evidence has been led by the petitioners to establish the extent of land under cultivation by the deceased.

35. Even claimant Harjeet Kaur while appearing as witness claimed income of deceased-husband to be Rs. 25,000/- claiming that he was cultivating 50 acres of land. However, except for oral statement, no revenue records or other material showing area under cultivation of deceased has been placed on record. Accordingly, learned Tribunal has rightly taken deceased to be agricultural labour and had assessed his income to be Rs. 2,400/- per month. In absence of any cogent evidence, I do not find any error in the approach of learned Tribunal in taking income of deceased to be Rs. 2,400/- per month treating him to be agriculture labour. 40% future prospects, multiplier of 16 and deduction on account of personal expenses to the extent of 1/3rd is required to be applied to determine loss of dependency. Compensation of Rs. 7,500/- for loss of estate,



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Rs. 7,500/- for funeral expenses and Rs. 15,000/- to each of appellant, loss of consortium shall also be payable.

Reworked compensation payable to appellants-claimants in view of above-noted reasons is as under:

Income	Rs.2,400/- per month	Rs.2,400/-
Future Prospects	40% (2400+960)	Rs.3,360/-
Deduction	1/3 rd (3360-1120)	Rs.2,240/-
Multiplier	16	16
Total Loss of dependency	Rs.2,240x12x16	Rs.4,30,080/-
Funeral Expenses		Rs.7,500/-
Loss of estate		Rs.7,500/-
Loss of spousal consortium to claimant No.1		Rs.15,000/-
Loss of filial consortium to claimant no.2		Rs.15,000/-
Compensation awarded by Tribunal	Rs.3,14,000/-	
Compensation awarded in appeal		Rs.4,75,080/-
Enhanced amount of compensation	Rs.4,75,080/-(as awarded in appeal) - Rs.3,14,000/-(as awarded by Tribunal)	Rs.1,61,080/-

36. In all the appeals, appellant(s)-claimant(s) shall also be entitled to enhanced compensation along with 7.5% interest from the date of filing of claim petitions till its realization. The apportionment and liability of respondents to pay compensation shall be as per award.

37. Appeals are accordingly allowed in above terms.



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38. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

19.02.2026
Manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No