IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(229) **FAO-5674-2005(O&M)**
Date of Decision-25.03.2026

RAI SINGH AND OTHERS … APPELLANTS

VERSUS

OM PAL AND OTHERS … RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. K.S. Malik, Advocate
for appellants.
Mr. Armaan Gogneja, Advocate
for respondent No.3/ The Oriental Insurance Company.
Mr. Rahul Pathania, Advocate
for respondent No.6/ The New Assurance Company Ltd.

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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 20.10.2005 passed by the learned Motor Accident Claims Tribunal, Rohtak, on account of the death of Ishwar Singh in a motor vehicular accident.

BACKGROUND FACTS

2. The brief facts of the case are that on 09.08.2004 at about 10:30 p.m., Ishwar Singh boarded a Tata-407 bearing registration No. DL-12D-5260 from Shaila Bypass, Rohtak, in order to go to his village Asan along with other passengers. The said vehicle was being driven by Suresh (respondent No.5). When the vehicle reached near village Bhalaut, close to Silver Oak School, a

truck bearing registration No. HR-38H-6821, driven by Om Pal (respondent No.1) in a rash and negligent manner, came from the opposite direction and struck the Tata-407, resulting in a serious accident. Due to the impact of the collision, the occupants of the vehicle sustained grievous injuries and Ishwar Singh suffered fatal injuries. He was taken to PGIMS, Rohtak, where he succumbed to the injuries. Thereafter, claimants filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 before the Motor Accident Claims Tribunal, Rohtak, seeking compensation on account of his death. Upon appreciation of the oral as well as documentary evidence on record, the learned Tribunal held that the accident had occurred due to the rash and negligent driving of the offending truck by respondent No.1 and consequently awarded a total compensation of ₹2,26,000/- along with interest at the rate of 9% per annum from the date of filing of the claim petition till realization, fastening the liability upon the driver, owner and insurer of the offending vehicle.

<u>CONTENTIONS</u>

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.3&6 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 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:

REASSESSED COMPUTATION

Particulars	Award by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	3,000/-	**3,000/-**
Income With Future Prospects (40%)	x	**4,200/- (3,000 + 1,200)**
After Deduction (unmarried)	1500/- (50% for personal expense)	**2,100/- (50% for personal expense)**
Annual Contribution To Family	18,000/- (1,500 x 12)	**25,200/- (2,100 x 12)**
Multiplier **(age 30 yrs)**	12	**17**
Loss Of Dependency	2,16,000/- (18,000 x 12)	**4,28,400/- (25,200 × 17)**
Filial Consortium	10,000/-	**80,000/-**
Funeral Expenses		**15,000/-**
Loss Of Estate		**15,000/-**
Total	2,26,000/-	**₹5,38,400/-**

7. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹2,26,000/- to **₹5,38,400/-**. 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.

(VIRINDER AGGARWAL)
JUDGE

25.03.2026
POONAM

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