IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(i) FAO-137-2008 (O&M)

Kulwant Kaur and others

...Appellants

VERSUS

Shubh Ram and others

...Respondents

(ii) FAO-138-2008 (O&M)

Nirmala Devi and another

...Appellants

VERSUS

Shubh Ram and others

...Respondents

Date of Decision: January 23, 2026

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Anurag Chopra, Advocate
for the appellants.

Service of respondents No.1 and 2 exempted.

Respondent No.3 proceeded against ex-parte.

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ARCHANA PURI, J.

These are two appeals filed by the respective appellants-claimants, thereby, seeking enhancement of the compensation, awarded on account of death of Palwinder Singh @ Rinku and Vijay Kumar, in a motor vehicular accident.

Suffice to consider that the accident had taken place on 02.10.2005. On appraisal of the evidence, brought on record, learned Tribunal had concluded about the accident to have taken place, due to rash and negligent driving of truck bearing registration No.HNQ-2977, driven by respondent No.1-Shubh Ram and the same resulted into causing of multiple injuries on the person of Palwinder Singh @ Rinku and Vijay Kumar, who were on motorcycle bearing No.HR-01P-7547 and the said injuries, proved fatal.

It was categoric claim of the appellants-claimants that Palwinder Singh @ Rinku was 22 years old and Vijay Kumar was 25 years old, at the time of accident and both of them were unmarried. It was also so recorded, on appraisal of the evidence. Both were asserted to be running a cable centre in partnership and having earnings of Rs.8000/- per month each. However, as no evidence, relating to the same was brought on record, both the deceased were considered as casual labourers and their earnings were assessed as Rs.2400/- per month each and thereupon, compensation was worked upon. 1/3rd was deducted, on the count of 'personal expenses' and multiplier of '8' was applied and compensation was worked upon, on account of death of Palwinder Singh @ Rinku and Vijay Kumar, as now reproduced in tabular form:

Earnings	Rs.2400/- per month
1/3rd deduction	Rs.2400-800=Rs.1600/- per month, annual whereof is Rs.19,200/-
Multiplier of '8'	Rs.19,200x8=Rs.1,53,600/-
Funeral expenses etc.	Rs.6400/-
Total	**Rs.1,60,000/-**

However, the 'work on' of the compensation aforesaid, do call for re-computation.

So far as, age of Palwinder Singh @ Rinku and Vijay Kumar, at the time of accident is concerned, it is appropriately considered to be 22 years and 25 years respectively. Their marital status was unmarried. So far as, indulgence of both the deceased in running of business of cable centre is concerned, no evidence, as such, had come on record. In the light of the same, learned Tribunal had appropriately considered them as casual labourers and their earnings to be Rs.2400/- per month, as per the minimum wages, existing at the relevant time.

However, considering the age of the deceased, addition of 40% ought to be made, on the count of 'future prospects' i.e. Rs.960/- Thus, total monthly earnings are taken as Rs.3360/-. Since, both the deceased were unmarried, therefore, as per ***Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77***, the deduction, on the count of 'personal expenses' has to be 50% i.e. Rs.1680/- and after making such deduction, the loss of dependency is worked upon as Rs.1680/- per month, annual whereof is worked upon as Rs.20,160/-.

Even, the multiplier applied by learned Tribunal is erroneous. As per ***National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009***, it is the age of the deceased, which ought to be taken into consideration, while applying the multiplier. Considering the same and considering the age of both the deceased, '18' is the appropriate multiplier to be applied and thus, by applying the same, the loss of dependency works to be Rs.20160x18=**Rs.3,62,880/-**.

So far as, Palwinder Singh @ Rinku is concerned, under the conventional heads, the amount awarded, on the count of 'funeral expenses' is on lesser side. As per ***Pranay Sethi's case (supra)***, the amount to be awarded, at present, is **Rs.18,150/-**, on this count and on similar parameters, appellants-claimants are also entitled to **Rs.18,150/-**, on the count of 'loss of estate'.

From the cross-examination, Kulwant Kaur, mother of deceased Palwinder Singh @ Rinku, it is evident that father of deceased is a retired Army man. During the livelihood of father, the younger sister is bound to be dependent upon her father and not the deceased, but anyhow, 'loss of consortium' also comprehends 'loss of love and affection' and therefore, sister of the deceased, as such, is entitled to compensation, on the count of 'loss of consortium'. Taking it to be so, on the count of 'loss of consortium', all the appellants-claimants are entitled to Rs.48,400/- each i.e. Rs.48,400x3=**Rs.1,45,200/-**.

Considering the same, the compensation payable to appellants-claimants, on account of death of Palwinder Singh @ Rinku, is re-computed, as herein given:-

Loss of dependency	**:**	**Rs.3,62,880/-**
Loss of consortium	**:**	**Rs.1,45,200/-**
Funeral expenses	**:**	**Rs.18,150/-**
Loss of estate	**:**	**Rs.18,150/-**
Total	**:**	**Rs.5,44,380/-**

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.5,44,380-1,60,000=Rs.3,84,380/-**.

Similalry, the compensation payable to appellants-claimants, on account of death of Vijay Kumar, is re-computed, as herein given:-

Loss of dependency	**:**	**Rs.3,62,880/-**
Loss of consortium	**:**	**Rs.96,800/-**
Funeral expenses	**:**	**Rs.18,150/-**
Loss of estate	**:**	**Rs.18,150/-**
Total	**:**	**Rs.4,95,980/-**

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.4,95,980-1,60,000=Rs.3,35,980/-**.

On the enhanced amount of the compensation, as now worked upon aforesaid, the appellants-claimants, shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the appeals, till realization of the enhanced amount of compensation. The enhanced amount of compensation shall be disbursed to the appellants-claimants, in equal shares.

The impugned Award dated 21.03.2007 stands modified, to the extent, as indicated aforesaid. With the above observations, both the appeals stand allowed.

January 23, 2026 **(ARCHANA PURI)**
Vgulati **JUDGE**

Whether speaking/reasoned **Yes**
Whether reportable **Yes/No**