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

FAO-4026-2023 (O&M)
Date of decision : 07.04.2026

Sumitra Devi and others

...Appellants

Versus

Jagbir and others

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Komal Rana, Advocate,
for Mr. Abhimanyu Singh, Advocate,
for the appellants.

Mr. Nigam K. Bhardwaj, Advocate
for respondent No.3-Insurance Company.

HARPREET KAUR JEEWAN, J.

1. Appellant-claimants are seeking enhancement of the compensation amount awarded by the Motor Accident Claims Tribunal, Gurugram (*hereinafter referred to as the 'Tribunal'*), seeking enhancement of compensation awarded regarding the death of Lal Singh (*since deceased*), in a roadside accident, which took place on 31.10.2021.

2. The Tribunal vide Award dated 02.03.2023, awarded compensation of Rs.14,91,000/- to the claimants, holding that the deceased died due to the road-side accident which was a result of rash and negligent driving of the tractor bearing registration No.HR-26EB-1762, by respondent No.1.

2.1 The Tribunal considered the age of the deceased as 64 years; assessed the income of the deceased as Rs.22,105/- per month, and



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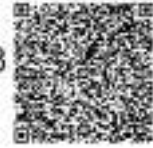
the insurance company of the offending tractor was ordered to pay compensation to the appellant-claimants in the following manner:-

Sr. No.	Heads	Compensation Awarded
1.	Annual income	Rs.2,65,260/- (22,105 X 12)
2.	Deduction towards personal expenses @ 1/3 rd	Rs.1,76,840/- (2,65,260 – 88,420)
3.	Multiplier	7
4.	Loss of dependency	Rs.12,37,880/- (1,76,840 X 7)
5.	Loss of consortium	Rs.2,20,000
6.	Funeral expenses	Rs.16,500/-
7.	Loss of estate	Rs.16,500/-
	Total :	Rs.14,90,880/- Say Rs.14,91,000/-

2.2 The present appeal, filed by the claimants seeking enhancement, has been contested by the insurer of the offending vehicle.

3. Learned counsel for the appellants contended that the deceased was 64 years of age at the time of the accident and being a retired employee, was drawing Rs.32,000/- per month as pension and also earning Rs.40,000/- per month from agricultural work, but the same has not been considered. It was further contended that the Tribunal should have deducted 1/4th instead of 1/3rd towards personal and living expenses of the deceased.

4. *Per contra*, learned counsel appearing on behalf of respondent No.3-insurer contends that in the absence of any proof of agricultural income, the Tribunal has rightly rejected the contention of



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the claimants in this regard. Still further, the deduction has been rightly applied.

5. I have heard learned counsel for the parties and perused the paper book.

6. The Tribunal has treated the income of the deceased as Rs.22,105/- on the basis of the deposition of Devankur Mishra, DW-3, an employee of the State Bank of India, who proved the Bank account statement of the deceased for the period from May 2021 to October, 2021 (Ex.P-13). The entry of last pension received on 01.10.2021 was considered while determining the income of the deceased. There is no documentary proof on record that the deceased was drawing pension more than the said amount or that he was having any income from agriculture. Consequently, the findings of the Tribunal determining the income of the deceased require no interference.

7. The Tribunal has deducted 1/3rd out of the income of the deceased towards personal and living expenses, while observing that though the legal representatives of the deceased including his wife, children and mother are entitled to file an application for grant of compensation, but claimant Nos.2 to 4 being major children of the deceased, cannot be held fully dependent upon the income of the deceased. The Tribunal has rightly held that claimant Nos.2 & 3 being sons, aged 43 and 41 years, respectively, must be earning, whereas claimant No.4 being married daughter, must be dependent upon her



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husband. As such, deduction of 1/3rd from the income of the deceased towards personal and living expenses has been rightly applied.

8. In view of the above discussion, no case for interference in the findings recorded by the Tribunal is made out; present appeal is devoid of any merits; and same is hereby dismissed.

9. Pending Miscellaneous Application(s), if any, shall also stand disposed of.

07.04.2026
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[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No