

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****209****FAO-2570-2008(O&M)****Date of decision: 19.01.2026****Manjit Kaur & Others****...Appellant(s)****Vs.****Charan Singh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Ashwani Arora, Advocate
for the appellants.

Mr. Prabhat Sharma, Advocate
Mr. Gopal Sharma, Advocate
Mr. Madan Lal Saini, Advocate
for respondent No.1.

Mr. Subhash Goyal, Advocate
for respondent No.3.

*********NIDHI GUPTA, J.**

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.16,57,000/- awarded by the Motor Accident Claims Tribunal, Ropar (hereinafter 'the learned Tribunal') vide Award dated 28.02.2008 passed in MACT Case No.88 dated 15.12.2006 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 4 claimants are the widow, two minor children and 65-year-old father of deceased Gurcharan Singh, who was 35 years old at time of accident.



2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Gurcharan Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 09.11.2006 at about 10:30 pm due to the rash and negligent driving of Tata Dumper bearing registration No.HR-38K-9308 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The said compensation has been awarded along with interest @ 6% per annum. Respondents were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellants submits that the deceased was a Policeman/Constable in the State of Punjab. At that time, the deceased was drawing a gross salary of Rs.12,376/- per month. The Tribunal after making addition towards future prospects as per the then prevailing position in law, had assessed monthly income of the deceased to be Rs.13,000/- per month. It is submitted that age of the deceased was determined to be 35 years at the time of accident on the basis of his Post-Mortem Report (Ex.P1). It is acknowledged that multiplier of 16 has also been correctly applied.

4. Ld. Counsel however seeks enhancement of compensation by submitting that as there were four claimants, a deduction of 1/4th ought to have been made; whereas the learned Tribunal has erroneously made a deduction of 1/3rd. It is further submitted that nothing has been awarded to



the claimants No.2, 3 and 4 by way of consortium. It is accordingly prayed that the impugned Award be modified as above.

5. Per contra, Id. counsel for the respondents No.1 and 3 oppose the submissions advanced on behalf of the appellants. It is submitted that claimant No.4 being father of the deceased cannot be held to be dependent upon the deceased; and therefore, deduction of 1/3rd has been correctly made by the Id. Tribunal. It is further submitted that the impugned Award suffers from no error; and the present appeal deserves to be dismissed.

6. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find some merit in the submissions advanced on behalf of the appellants.

7. It was proved on record that deceased was working as a Constable in the Punjab Police. As per the Ex.P-3/Salary Certificate of the deceased, he was drawing gross salary of Rs.12,376/- per month. After making addition towards future prospects, the Tribunal had assessed monthly income of the deceased as Rs.13,000/- per month. I find no error in the same as the learned Tribunal has made the said addition towards future prospects in keeping with the law prevailing at that time. No argument to the contrary has been raised by learned counsel for the appellants. Even perusal of the present Grounds of Appeal shows that no prayer has been made therein that future prospects be added @ 50%. Rather the appellant has averred that *"it has been held by Hon'ble Supreme Court in Kerala State Road*



Transport Corporation Vs. Susamma Thomas 1994 ACJ Page-1 and Sarla Dixit Vs. Balwant Yadav 2004 (1) ACC 396 and by our Hon’ble High Court in a case titled as **Chander Devi Vs. State of Haryana 2006 (4) RCR (Civil) 806,** that future prospects should also be taken into consideration while deciding a claim petition.” Therefore, income of the deceased has been correctly assessed by the learned Tribunal.

8. Further, I find merit in the submissions of learned counsel for the appellants that deduction of 1/4th ought to have been made. It is not disputed that father of the deceased/claimant No.4 was 63 years old at the time of filing of Claim Petition. As such, he has been rightly held to be dependent on the income of the deceased. I also find merit in the submissions of the appellants that each of the four claimants are entitled to consortium of Rs.40,000/- each. Accordingly, the present appeal is **allowed**; and compensation payable to the appellants is re-assessed as follows:-

Head	Awarded by learned Tribunal	Re-assessed compensation
Income	Rs.13,000/- per month	Rs.13,000/- per month
Deduction	(1/3 rd) Rs.8,600/-	(1/4 th) Rs.9,750/-
Annual dependency	Rs.8,600/- x 12 = Rs.1,03,200/-	Rs.9,750/- x 12 = Rs.1,17,000/-
Multiplier	(16) Rs.1,03,200/- x 16 = Rs.16,51,200/-	(16) Rs.1,17,000/- x 16 = Rs.18,72,000/-
Funeral expenses	Rs.2,000/-	Rs.2,000/-
Consortium	Rs.4000/-	Rs.40,000/- x 4 = Rs.1,60,000/-
Total	Rs.16,57,200/- rounded off to Rs.16,57,000/-	Rs.20,34,000/-



9. Pending application(s) if any also stand(s) disposed of.

19.01.2026
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No
Whether reportable: Yes/No