2026:PHHC:036543

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

227 **FAO-524-2005**
Date of decision : 10.03.2026

SMT. SUNITA DEVI AND ORS. **... APPELLANTS**

VERSUS

SUBE SINGH AND ORS. **...RESPONDENTS**

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rajesh Arora, Advocate
for the appellants.

Ms. Saliner Kaur Saini, Advocate for
Mr. Bharat Bhushan, Advocate
for respondent No. 2.

Ms. Smrita Devi, Advocate for
Mr. Rajesh Verma, Advocate
for respondent No. 3-Insurance Company.

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PARMOD GOYAL, J. (ORAL)

1. Claimants-appellants have preferred the present appeal being the wife and two minor children of the deceased, Surinder Singh (hereinafter referred to as the "Deceased"), who died in a road accident which took place on 21.02.2000, on account of rash and negligent driving by respondent No. 1 while driving truck bearing registration No. HR-38-6123.

2. Being aggrieved by the impugned award dated 13.05.2004 passed by the Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as "Tribunal"), vide which the claimants-appellants were found entitled to total

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compensation of Rs.3,65,000/-. The claimants-appellants are seeking enhancement of compensation awarded by the Tribunal as the same is not according to their entitlement.

3. Since the factum of the accident is not in dispute, the facts as regards to manner of accident, as recorded in the impugned award passed by the Tribunal are not being adverted herein for sake of brevity.

4. The Tribunal in the present case had awarded the following compensation:

Monthly Income	Rs.2,500/-
Deduction	1/3rd
Multiplier	18
Funeral and transportation expenses	Rs.5,000/-
Total Compensation awarded	Rs.3,65,000/-

5. Learned counsel for appellants-claimants have sought enhancement of compensation on following grounds that:-

- Future prospects were not added while determining loss of dependency. Future prospects to the extent 40% of monthly income needs to be added as the deceased was 27 years of age at the time of accident.
- Appropriate amount of compensation amount needs to be granted under the head funeral expenses, loss of estate and loss of spousal and parental consortium in accordance with law laid down by Hon'ble Supreme Court.

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6. Learned Tribunal has assessed the income of the deceased to be Rs.2,500/- per month. Claimants-appellants had claimed that deceased was working as truck driver and was earning Rs.5500/- per month as salary and was earning Rs.2000/- from dairy. Alleged employer of deceased was also examined. However, except for oral assertions, no cogent documentary evidence that deceased was truck driver and was being paid Rs.5500/- per month was produced. Even driving licence of deceased was not placed on record to justify his vocation as driver. Claimants-appellants have therefore failed to prove vocation and income of deceased as pleaded by the claimants. Admittedly, as per claim petition deceased was aged 27 years and is survived by his wife, two minor children i.e. claimants- appellants No. 1 to 3. Therefore, assumption regarding income of deceased was rightly made by learned Tribunal taking into consideration facts that deceased was young man supporting his family and minimum wages payable. Income of deceased as Rs.2500/- per month assessed by learned Tribunal is upheld.

7. In the present case, learned Tribunal has applied multiplier of '18' after making deduction of 1/3rd towards personal expenses. Deduction of 1/3rd in view of number of dependants to be three has been correctly applied. Keeping in view deceased was 27 years old, multiplier of 17 would be applicable. However, I find that learned Tribunal has failed to take into consideration future prospects while calculating loss of dependency. Claimants/appellants are entitled to future prospects to the extent of 40% in terms of judgment of Hon'ble Supreme Court in **National Insurance Company Ltd. Vs Pranay Sethi & Ors,** 2017 (16) SCC 680. Claimants-appellants shall also be entitled to compensation of Rs.7,500/-each towards funeral expenses and loss of estate and Rs.15,000 /-

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to each of the claimants-appellants towards loss of spousal and parental consortium.

8. Accordingly, the reworked compensation to which the claimants–appellants are entitled to is as under:

Income	Rs.2,500/- per month	Rs.2,500/- per month
Future Prospects	40% (2500+1000)	Rs.3,500/-
Deduction	1/3rd (3500-1167)	Rs.2,333/-
Multiplier	17	17
Total loss of dependency	Rs.2,333 x 12x17	Rs.4,75,932/-
Loss of Estate		Rs.7,500/-
Funeral Expenses		Rs.7,500/-
Loss of Spousal Consortium to claimant No. 1		Rs.15,000/-
Loss of Parental consortium to claimant nos. 2 & 3	Rs.15,000/- x 2	Rs.30,000/-
Total Compensation awarded in appeal		Rs.5,35,932/-
Total Compensation awarded by the Tribunal	Rs.3,65,000/-	
Enhanced amount of compensation	Rs.5,35,932/- (as awarded in appeal) Rs.3,65,000/- (as awarded by the Tribunal)	Rs.1,70,932/-

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9. Claimants-appellants shall also be entitled to interest @ 7.5% on the enhanced compensation from the date of filing of claim petition till realization. Apportionment and liability of respondents to pay compensation shall be as per the award.

10. In view of the above discussion, the award passed by the Tribunal is modified and the present appeal stands allowed accordingly.

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

10.03.2026 **(PARMOD GOYAL)**
manoj **JUDGE**

Whether speaking/reasoned Yes
Whether reportable Yes/No

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