

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****106****FAO-1915-2010(O&M)****Date of decision: 05.05.2026****Simran & Others****...Appellant(s)****Vs.****Ganga Ram & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Lalit Attri, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for respondent No.3.

NIDHI GUPTA, J.

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.5,86,000/- awarded by the Motor Accident Claims Tribunal, Ambala (hereinafter 'the learned Tribunal') vide Award dated 08.06.2009 passed in MACT Petition No.69 dated 04.12.2007 filed under Section 166 of Motor Vehicles Act (hereinafter "the Act"). The 6 claimants are the 25-year-old widow, 5-year-old daughter, 6-year-old daughter, 3-month-old daughter, 51-year-old mother, and 58-year-old father of deceased Rajesh Kumar, who was 26 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 the deceased Rajesh Kumar had died due to the injuries suffered by him in a motor vehicular accident that took place on 15.10.2007 at about 2:30 pm due to the rash and negligent driving of TATA 407 bearing registration No.UP-07-D-4747 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2, and insured by respondent No.3. The compensation has been awarded along with interest @ 9% per annum. Respondents were held jointly and severally liable to pay the compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.4000/- per month. It is submitted that the appellants had led sufficient evidence on record to prove that deceased was earning Rs.10,000/- per month. Further, keeping in view the number of claimants, deduction of 1/3rd has been wrongly made and the same should be at least 1/4th. Moreover, even under the conventional heads, only Rs.10,000/- has been awarded to the appellants; whereas the same is liable to be awarded in accordance with law. Even no addition has been made by way of future prospects. It is prayed that the present appeal be allowed; and the impugned Award be modified/enhanced.

4. Per contra, learned counsel for the respondent No.3 opposes the submissions advanced on behalf of the appellants and submits that the



impugned Award suffers from no error; and the present appeal deserves to be dismissed.

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

6. Perusal of record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that deceased was doing job on contract basis with Glass Blowing Scientific Company, Keshopur (Manglai) Tehsil and District Ambala and was earning Rs.10,000/- per month. However, the appellants failed to lead any cogent evidence to prove the said avocation or income of the deceased. Accordingly, learned Tribunal had taken income of the deceased as Rs.4000/- per month. I find no error in the same as no documentary or any other evidence was adduced by the claimants to prove the alleged income or avocation of the deceased.

7. Further, age of the deceased was taken to be 26 years at the time of accident as per deposition of claimant No.1/widow, who had deposed through her Affidavit (Ex.PA) that her husband was about 26 years old at the time of accident. Accordingly, an addition of 40% was liable to be made towards future prospects. However, the learned Tribunal has failed to do so.

8. Further, keeping in view the age of the deceased, multiplier of 17 was required to be applied, however, learned Tribunal has incorrectly applied multiplier of 18. The same is also liable to be rectified. As there were



6 claimants, deduction of 1/4th was liable to be made. However, the Tribunal has made a deduction of 1/3rd. Even under the conventional heads, the learned Tribunal has awarded an amount of only Rs.10,000/- by way of funeral expenses. Nothing has been awarded towards loss of estate and/or consortium. On a direct Court query, learned counsel for the appellants is unable to inform this Court whether the claimants No.5 and 6 being parents of deceased are still alive or not. Keeping in view the said fact, an amount of Rs.40,000/- each as consortium is awarded only to claimants No.1 to 4 being the widow and daughters of the deceased. Keeping in view the above discussion, present appeal is **allowed**; and compensation payable to the appellants is re-assessed in the following manner:-

Head	Awarded by learned Tribunal	Re-assessed compensation
Monthly Income	Rs.4000/-	Rs.4000/-
Addition	--	40%
Deduction	(1/3 rd) Rs.1333/-	1/4 th
Multiplier	18	17
Funeral expenses	Rs.15,000/-	Rs. 15,000/-
Loss of estate	Nil	₹15,000/-
Consortium	--	Rs.40,000/- x 4 = Rs.1,60,000/-
Total	Rs.5,86,000/-	Rs.10,46,800/-
Interest	9% p.a.	7.5% p.a.

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

05.05.2026
Sunena

(Nidhi Gupta)
Judge

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