2026:PHHC:036034

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6447-2011 (O&M)

SUMITRA DEVI (DECEASED THR. LRS.) ….Appellant

Vs.

NIRWAR SINGH AND ANR. ….Respondents

1	*The date when the judgment was reserved*	*10.02.2026*
2	*The date when the judgment is pronounced*	*10.03.2026*
3	*The date when the judgment is uploaded on the website*	*10.03.2026*
4	*Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced*	*Full*
5	*The delay, if any, of the pronouncement of full judgment, and reasons thereof.*	*Not applicable*

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. J.S. Chahal, Advocate
for the appellant.

Mr. Suvir Dewan, Advocate
for respondent No. 2.

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HARKESH MANUJA, J.

CM-26164-CII-2011

For the reasons stated in the application, sufficient cause is made out for condoning the delay, as such, the same is allowed. The delay of 24 days in filing the present appeal is condoned.

MAIN CASE

1. By way of present appeal, challenge has been laid to an award dated 01.06.2011 passed by the learned Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhari (for brevity, "the Tribunal"), whereby a sum of Rs. 1,50,000/- was awarded as compensation to the appellant/claimant along with interest @ 7.5% per annum from the date of institution of claim petition till its actual realization on account of death of Mangal Sain.

2. A claim petition came to be filed before the learned Tribunal, praying for grant of compensation to the tune of Rs. 20,00,000/- (Rupees twenty lakhs only) on account of death of Mangal Sain in a vehicular accident which took place on 04.01.2010 while alleging rash and negligent driving of respondents No. 1/driver.

3. After going through the pleadings and evaluating the evidence led by both the parties, learned Tribunal arrived at a conclusion that the accident occurred on account of rash and negligent driving of respondent No. 1/driver; holding both the respondents jointly and severally liable and a sum of Rs. 1,50,000/- was awarded as compensation.

4. Being aggrieved of the award dated 01.06.2011 passed by the learned Tribunal, the present appeal was preferred by the appellant(s)/claimant(s) for enhancement of compensation. Facts, as specified in the claim petition, about the manner of the accident and the issue regarding negligence of the driver recorded in favour of the appellant(s)/claimant(s) by the learned Tribunal, being not under challenge, are not being repeated here for the sake of brevity.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR THE APPELLANT(S)/CLAIMANT(S).

5. Learned counsel for the appellant(s)/claimant(s) contended that the learned Tribunal gravely erred in assessing the quantum of compensation on wholly erroneous premises. It was submitted that despite cogent and unrebutted evidence led through PW-4; the employer of the deceased, duly supported by salary certificate Ex.PW4/A, which established that the deceased was a skilled welder, earning Rs. 12,000/- per month, the leaned Tribunal arbitrarily assessed the income @ Rs. 4,000/- per month and further made excessive deduction towards personal expenses. Learned counsel also submitted that the deceased was about 35 years of age, and the appropriate multiplier in terms of the settled principles laid down by the Hon'ble Supreme Court ought to have been 16 and not 5; the claimant(s) were also entitled to addition towards future prospects. Furthermore, he submitted that the learned Tribunal failed to award just and reasonable compensation under the conventional heads such as loss of estate, funeral expenses and consortium and granted a meager rate of interest, thus, the impugned award warranted suitable enhancement to ensure grant of just and fair compensation.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR RESPONDENT No. 2.

6. Per contra, learned counsel for respondent No. 2 neither refuted the factum of accident nor even the negligence of the offending vehicle, however submitted that in the facts of the present case, the compensation assessed by the learned Tribunal called for interference.

DISCUSSION AND REASONING

7. I have heard learned counsel for the parties and perused the paper-book of the case. I find force in the arguments advanced by learned Counsel for the appellant(s).

QUESTION OF INCOME ASSESSED

8. In the present case, perusal of the record indicates that deceased- Mangal Sain, was 35 years of age at the time of the accident and working with Sai Ram Welding Works, Yamuna Nagar, earning Rs.

12,000/- per month. The learned Tribunal, however, assessed his monthly income @ Rs. 4,000/- solely on the basis of the cross examination of Billa (PW-4), wherein he stated that the welding shop was a rented premises and that Ex.PW4/A was scribed by the brother of the deceased. The said reasoning is wholly unsustainable. It is by now well settled that strict rules of evidence are not required to be applied in proceedings under the Motor Vehicles Act and the claimants are only required to establish their case on the touchstone of preponderance of probabilities. PW-4, the employer, categorically deposed that the deceased was working with him for the last 4-5 years as a welder and was paid Rs. 400/- per day. From the perusal of the record, it is evident that the salary certificate Ex.PW4/A was issued on the official letterhead of Sai Ram Welding Works and bears the signatures of the employer, who stepped into the witness box and duly proved the same. Nothing material could be elicited in his cross-examination to discredit his testimony or to show that the document was fabricated or unreliable. The mere fact that the business was being run from rented premises is wholly inconsequential and does not in any manner dent the credibility of the employment or the wages paid to the deceased. Even otherwise, in the absence of any rebuttal evidence led by the respondents, there was no justification for the learned Tribunal to discard the cogent and trustworthy evidence and to resort to a notional assessment of income. Accordingly, the finding of the learned Tribunal on the issue of income is set aside and the monthly income of the deceased is assessed @ Rs. 12,000/- for the purpose of computation of compensation being based on the salary certificate (Ex.PW4/A).

<u>QUESTION REGARDING FUTURE PROSPECTS, MULTIPLIER AND DEDUCTION TOWARDS PERSONAL EXPENSES.</u>

9. In the present case, the deceased- Mangal Sain was 35 years at the time of his death, which stood duly proved and accepted by the learned Tribunal. However, learned Tribunal fell in error in not granting any addition towards future prospects. In view of the law laid down by the Hon'ble Supreme Court in ***<u>"National Insurance Company Co. Ltd. vs. Pranay Sethi & Ors. (2017) 16 SCC 680",</u>*** an addition of 40% towards future prospects is to be made in the income of deceased Mangal Sain.

9.1 The Hon'ble Supreme Court in the case of ***<u>"Smt. Sarla Verma and others vs. Delhi Transport Corporation and another,"</u>*** reported as ***<u>2009(3) RCR (Civil) 77,</u>*** held that in case the deceased was a bachelor and the claimants were the parents, the deduction follows a different principle and with regard to bachelors, 50% needs to be deducted as personal and living expenses. Relevant para of the judgment is culled out as under:-

> *"15. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In this regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent(s) and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependent and the mother alone will be considered as a dependent. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependents, because they will wither be independent and earning, or married, or be dependent on the father. Thus even if the deceased is survived by parents and siblings, only the mother would be considered to be dependent, and 50% would be treated as the personal and living expenses of the bachelor 50% as the contribution to the family. However, where the family of the bachelor is large and dependent on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third."*

From a sociological standpoint, the deceased, being the son of his mother, would have invariably prioritized setting aside financial resources to look after his mother. In the prevailing social context, where it is increasingly observed that elderly parents are often neglected and left without adequate support by their children, the responsibility of a son towards the care, maintenance and welfare of aged parents assumes even greater legal and social significance. The deceased, therefore, was under a clear moral, social and filial obligation to financially support his dependent mother, and it is reasonable to infer that a substantial portion of his income would have been set aside for her sustenance and welfare, rather than being spent exclusively on his personal needs. Although, the law laid down in ***Sarla Verma's case (supra)*** prescribes that the standard deduction towards personal and living expenses of a bachelor is one-half ($1/2^{nd}$), the judgment itself clarifies that such deduction is not an inflexible or rigid rule. Relevant extract is reproduced hereunder:-

> *"But, such percentage of deduction is not an inflexible rule and offers merely a guideline. In Susamma Thomas, it was observed that in the absence of evidence, it is not unusual to deduct one-third of the gross income towards the personal living expenses of the deceased and treat the balance as the amount likely to have been spent on the members of the family/dependants. In* ***UPSRTC v. Trilok Chandra [1996(4) SCC 362]****, this Court held that if the number of dependents in the family of the deceased was large, in the absence of specific evidence in regard to contribution to the family, the Court may adopt the unit method for arriving at the contribution of the deceased to his family. By this method, two units is allotted to each adult and one unit is allotted to each minor, and total number of units are determined. Then the income is divided by the total number of units. The quotient is multiplied by two to arrive at the personal living expenses of the deceased. This Court gave the following illustration :*
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> *"X, male, aged about 35 years, dies in an accident. He leaves behind his widow and 3 minor children. His monthly income was Rs. 3500. First, deduct the amount spent on X every month. The rough and ready method hitherto adopted*

where no definite evidence was forthcoming, was to break up the family into units, taking two units for and adult and one unit for a minor. Thus X and his wire make 2+2=4 units and each minor one unit i.e. 3 units in all, totaling 7 units. Thus the share per unit works out to Rs. 3500/7 = Rs. 500 per month. It can thus be assumed that Rs. 1000 was spent on X. Since he was a working member some provision for his transport and out-of-pocket expenses has to be estimated. In the present case we estimate the out-of-pocket expense at Rs. 250. Thus the amount spent on the deceased X works out to Rs. 1250 per month per month leaving a balance of Rs. 3500-1250= Rs. 2250 per month. This amount can be taken as the monthly loss of X's dependents."

*In **Fakeerappa v. Karnataka Cement Pipe Factory, 2004(2) RCR (Civil) 619 : 2004(2) SCC 473**, while considering the appropriateness of 50% deduction towards personal and living expenses of the deceased made by the High Court, this Court observed :*

"What would be the percentage of deduction for personal expenditure cannot be governed by any rigid rule or formula of universal application. It would depend upon circumstances of each case. The deceased undisputedly was a bachelor. Stand of the insurer is that after marriage, the contribution to the parents would have been lesser and, therefore, taking an overall view the Tribunal and the High Court were justified in fixing the deduction.

In the humble opinion of this Court, the present case stands on exceptional footing and thus, in view of the aforesaid and having regard to the contemporary social realities, and the dependent status of the aged mother, such mechanical application may result in manifest injustice. Accordingly, a just, fair, and reasonable deduction towards personal and living expenses of the deceased is assessed at 40% of his income.

9.2 The learned Tribunal erred in applying the multiplier with reference to the age of the mother of the deceased, which is not in consonance with the settled principles of law governing the field. It is now well established that for the purpose of determination of just compensation in a claim arising out of the death of a bachelor, the appropriate multiplier is to be selected with reference to the age of the deceased and not that of the dependents. In the present case, the deceased was 35 years of age at the time of the accident and, therefore, the multiplier applicable to the said age group is 16. Consequently, this Court, in its considered opinion, applies the multiplier of 16 for the purpose of computation of compensation in place of the multiplier adopted by the learned Tribunal.

QUESTION OF COMPENSATION UNDER CONVENTIONAL HEADS

10. Furthermore, in view of the judgment of the Hon'ble Apex Court in ***Smt. Sarla Verma's case (supra)***, ***Pranay Sethi's case (supra)"*** and ***"United India Insurance Co.Ltd. vs. Satinder Kaur",*** reported as ***(2021) 11 SCC 780,*** compensation awarded under conventional heads are also required to be assessed accordingly. Appellant(s)/claimant(s) are thus, held entitled for Rs. 18,000/- as compensation under funeral head and Rs. 18,000/- towards loss of estate. Loss of consortium is assessed to the tune of Rs. 48,000/- (Rs. 48,000 x 1) as the appellant being mother of deceased is also entitled for filial consortium.

CONCLUSION

11. In view of the discussion made hereinabove, the appellant(s)/claimant(s) is/are held entitled for the grant of compensation in the following manner:-

S.No.	**Nature**	**Amount (in Rs.)**
1.	Annual Income of Deceased	1,44,000/-
2.	Deduction (40%)	57,600/-
3.	Net Income (Rs. 1,44,000 – Rs. 57,600)	86,400/-

4.	Future Prospects (40%)	34,560/-
5.	Total Income (Rs. 86,400 + Rs. 34,560)	1,20,960/-
6.	**Loss of Income after applying multiplier of 16 as per the age of 35 years (1,20,960 x 16)**	**19,35,360/-**
7.	**Loss of estate**	**18,000/-**
8.	**Funeral Expenses**	**18,000/-**
9.	**Loss of Consortium (48,000 x 1)**	**48,000/-**
10.	**Total compensation**	**20,19,3600/-**
11.	**Amount Awarded by the Tribunal**	**1,50,000/-**
12.	**Enhanced Compensation**	**18,69,360/-**

12. The grant of interest @ 7.5% per annum is not equitable and just in view of the observations made by the Hon'ble Supreme Court in ***"Smt. Supe Dei and others vs. National Insurance Company Limited and other,*** reported as ***(2009) (4) SCC 513*** and approved in a subsequent judgment titled as ***"Puttamma and others vs. K.L. Narayana Reddy and another, 2014 (1) RCR (Civil) 443,*** thus, the interest is enhanced to 9% per annum on the amount of compensation awarded to the claimants from the date of institution of claim petition till its realization. In case the said amount is not paid within three months, the same shall be payable thereafter along with 12% interest from the expiry of period of three months from today. Needless to mention here that the amount of compensation already paid to the claimant shall be deducted from the enhanced compensation.

13. In view of the aforesaid modification, the present appeal stands disposed of. Pending miscellaneous application(s), if any, shall also stand disposed of.

March 10, 2026 **(HARKESH MANUJA)**
sonika **JUDGE**

(i) Whether reasoned/speaking? Yes/No

(ii) Whether reportable? Yes/No

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I attest to the accuracy and authenticity of this document