IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(i) FAO-6376-2012 (O&M)

Smt.Sameera Goyal

...Appellant

VERSUS

Sarwan Singh and others

...Respondents

(ii) FAO-1429-2013 (O&M)

Ashok Goyal and another

...Appellants

VERSUS

Sarwan Singh and others

...Respondents

Date of Decision: February 17, 2026

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Vishavjeet Singh Bedi, Advocate
for the appellants.

Mr.Sandeep Suri, Advocate
for respondent No.3.

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ARCHANA PURI, J.

These are two appeals filed by the appellants-claimants, thereby, seeking enhancement of the compensation, awarded on account of death of Manoj Goyal, in a motor vehicular accident.

Suffice to consider that the accident had taken place on 25.02.2011. On appraisal of the evidence, brought on record, learned Tribunal had held about the accident to have taken place, due to rash and negligent driving of truck bearing registration No.PB-02P-9525, driven by respondent No.1-Sarwan Singh and the same resulted into death of Manoj Goyal.

Learned Tribunal, on the basis of the evidence, brought on record, considered the age of the deceased to be 30 years, at the time of accident, as his date of birth was 16.06.1980, as evident from the educational certificates Ex.P9 and Ex.P10. The claim petition was filed by father, mother as well as widow of the deceased. So far as, father of the deceased is concerned, learned Tribunal had concluded that there was no evidence, about the father to be dependent upon the income of the deceased and as such, dismissed the claim petition qua father of the deceased, whereas, it held the widow and mother to be entitled to compensation.

It was categoric claim of the claimants before the Tribunal that deceased Manoj Goyal was doing financing work in the name of Mahima Finance and his earning were Rs.25,000/- per month. Even though, during the course of evidence, the income tax returns Ex.P4 to Ex.P6, for the assessment years 2011-12, 2010-2011 and 2009-10 respectively, were brought on record, but however, learned Tribunal held that no reliance upon the same, can be placed as these returns were never annexed with the statement of account and there is no evidence, how the deceased was deriving the income. Even though, it was categoric claim of the claimants that deceased was doing financing work, under the name of Mahima Finance, but however, considering no cogent evidence, to have been brought on record, the said version was discarded. However, considering the deceased to be B.A. Degree holder, he was treated as skilled worker and the earnings were assessed as Rs.6000/- per month. Thereupon, 1/3rd was deducted, on the count of 'personal and living expenses'. The monthly dependency was taken as Rs.4000/-, annual whereof is Rs.48,000/-. Multiplier of '16' was applied and the loss of dependency was worked upon as Rs.48,000x16=Rs.7,68,000/-. Besides the aforesaid, addition of Rs.9500/- was made, on the count of 'loss of estate, consortium and funeral expenses'. Thus, total compensation was awarded to the extent of Rs.7,77,500/-, which was rounded off as Rs.7,78,000/-.

Being aggrieved, parents of the deceased have filed **FAO-1429-2013** and widow of the deceased has filed **FAO-6376-2012** and all the claimants have sought enhancement of the compensation.

Even, the parents of deceased in FAO-1429-2013 have filed an application i.e. **CM-8140-CII-2013** for additional evidence, to prove on record the statement of account, along with income tax returns, for the assessment years 2011-12, 2010-11 and 2009-10.

Heard on the aforesaid application, together with the main appeal. Considering the claimants to be having an opportunity to lead evidence and when, more particularly, they themselves had tendered into evidence, copies of the income tax record, which are Ex.P4 to Ex.P6, therefore, at the relevant time, they had an opportunity to lead the evidence and prove the income tax record, but however, the same was not availed and therefore, the claimants did not act diligently. Now, by way of filing of the aforesaid application, they want to adjust their evidence, in accord with the observations made by the Tribunal, in the impugned Award and to fill up the lacunae. Considering the same, no case is made out to allow the said application and hence, the same is hereby dismissed, Proceeding further, it ought to be considered that no appeal, as such, has been filed by any of the respondents, upon whom, the liability was fastened. It is only the appellants-claimants, who have filed two separate appeals to seek enhancement.

Time and again, the Courts reiterated the concept of 'just' compensation under Section 168 of the ibid Act. It is settled proposition, now through the catena of decisions, including the one, rendered by the Constitution Bench in ***National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009***, that the compensation must be fair, reasonable and equitable. Furthermore, the determination of quantum is a fact dependent exercise, which must be liberal and not parsimonious. Moreover, the Motor Vehicle Act of 1988 is a beneficial and welfare legislation, that seeks to provide compensation, as per the contemporaneous position of an individual, which should, essentially be forward looking. It must be emphasized that compensation is a more comprehensive form of pecuniary relief, which involves broad-based approach, keeping in view the purpose of providing stability and continuity in peoples' life, in the future.

Now, adverting to the case in hand, it is pertinent to mention that it is pleaded case of the appellants-claimants that deceased Manoj Goyal was doing finance work. The income tax return, for the year 2011-2010 has been proved on record as Ex.P4. However, the same has been filed under the signatures of mother of the deceased on 05.12.2011 i.e. after the death of Manoj Goyal. Though, much emphasis has been laid upon the extent of income reflected in the said return, but however, the same, as such, cannot be considered, as chances of showing the exaggerated earnings of the deceased, as such, cannot be ruled out.

Very true, only acknowledgments of the income tax returns have been tendered into evidence, which are Ex.P5 and Ex.P6 and that relate to the assessment years 2010-11 and 2009-10, respectively. Meaning thereby, these acknowledgments were filed, during the lifetime of Manoj Goyal. No doubt, statement of account or the detail of earnings, as such, has not come forth. May it be so. Even then, these acknowledgments, though cannot be taken as ready reckoner of the extent of earnings of the deceased, but however, some clue can definitely be gathered from these acknowledgments Ex.P5 and Ex.P6.

It is the claim of the appellants that the deceased was doing financing work under the name of Mahima Finance. The oral evidence, relating to the same, has come forth, in the testimonies of brother of the deceased as well as widow of the deceased, who have stepped into witness box as PW-1 and PW-3, respectively. This, ipso facto, as such, cannot be discarded. Ex.P6, which relates to assessment year 2009-2010, reveals about total income of the deceased, after deduction, to be Rs.1,57,562/-. Likewise, Ex.P5, which is acknowledgment for the year 2010-2011 reveals the total income after deductions to be Rs.2,02,004/-. Definitely, these acknowledgments, do not reflect the source of earnings of the deceased. There is no break up given, with regard to the deceased, having monthly earnings, on the basis of his indulgence in the finance work or of his doing job or having income from the immoveable property or agricultural land and so on and so forth.

May it be so, even then some input can be taken from these acknowledgments, coupled with the oral testimony of the witnesses about the earnings of the deceased. It has to be considered that the assessment of the compensation is based on principle of preponderance of possibility and no strict rules of evidence, are attracted, as that of a criminal case, to prove the fact, beyond shadow of reasonable doubt. Considering this principle, some guess work, ought to be made, with regard to the extent of earnings of the deceased, but definitely, the earnings, as such, cannot be taken as that of as skilled worker as Rs.6000/- per month. Considering the acknowledgment receipts, oral evidence and making some guess work, proximate to the reality, a sum of Rs.15,000/- is assessed as monthly earnings of the deceased.

Before proceeding further, it is pertinent to mention that learned Tribunal had granted the compensation only to the widow and mother of the deceased. The father of the deceased was held to be not dependent upon the deceased and deprived him of the compensation.

However, the aforesaid finding is palpably erroneous. It is pertinent to mention that even though, a person, who may be earning, may not be financially dependent on his son, who has departed from the world, but however, it should be noted that the word '**dependent**' has a different meaning in different connotation. Some may be dependent in terms of money and others may be dependent in terms of service. Thus, dependency is a relevant criteria to claim compensation for loss of dependency. It necessarily does not mean financial only. It also includes gratuitous service dependency, physical dependency, emotional dependency, psychological dependency, and so on and so forth, which can never be equated in terms of money. Considering the same, even though, the deceased son may not be rendering financial assistance to his father, but however, emotional and psychological dependency upon the young son, by the father, as such, ought to be there and considering the same, the father of the deceased, is also entitled to compensation.

Considering the number of dependents, the deduction of 1/3rd, on the count of ‘personal expenses’ ought to be made. Further, considering the age of deceased to be 31 years, addition on the count of ‘future prospects’ ought to be made to the extent of 40%. The appropriate multiplier to be applied is ‘**16**’.

However, under the conventional heads, the amount of compensation awarded by learned Tribunal, also needs to be enhanced. As per ***Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130***, all the dependents are entitled to compensation, on the count of ‘loss of consortium, be it ‘filial’, ‘spousal’ or ‘parental’, which also comprehends ‘loss of love and affection’. As per ***National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009***, the minimum amount payable is Rs.40,000/-. While applying enhancement clause to the extent of 10%, after every three years of passing of the judgment, the compensation payable to each claimant is Rs.48,400/-. Thus, all the appellants-claimants are entitled to compensation, on the count of ‘loss of consortium’ to the extent of Rs.48,400/- each i.e. Rs.48,400x3=**Rs.1, 45,200/-**. Even, on the count of ‘loss of estate’ and ‘funeral expenses’, the amount now payable is **Rs.18,150/-** on each count.

Considering the same, the compensation payable to appellants-claimants, on account of death of Manoj Goyal is re-computed, as herein given:-

Earnings	Rs.15000/- per month
Deduction of 1/3rd	Rs.15000-5000=Rs.10,000/-
Addition of 40%	Rs.10000+4000=Rs.14,000/- annual whereof is Rs.1,68,000/-
Multiplier of '16'	Rs.1,68,000x16=**Rs.26,88,000/-**
Loss of consortium	**Rs.1,45,200/-**
Loss of estate	**Rs.18,150/-**
Funeral expenses	**Rs.18,150/-**
Total	**Rs.28,69,500/-**

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.28,69,500-7,78,000=Rs.20,91,500/-**. On the enhanced amount of the compensation i.e. **Rs.20,91,500/-**, the appellants-claimants, shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation. Out of the compensation, as now worked upon aforesaid, appellant-claimant in FAO-6376-2012 is held entitled to **Rs.10,91,500/-**, whereas, appellants-claimants in FAO-1429-2013 are held entitled to **Rs.5,00,000/-** each.

The impugned Award dated 11.09.2012 stands modified, to the extent, as indicated aforesaid.

In view of the aforesaid observations, both the appeals stand allowed.

February 17, 2026 **(ARCHANA PURI)**
Vgulati **JUDGE**

Whether speaking/reasoned **Yes**
Whether reportable **Yes/No**