



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-1960-2013 (O&M)
Date of decision: 12.02.2026

Kushal (minor) and others

...Appellant(s)

Vs.

Balbir Chand alias Bhutto and others

...Respondent(s)

CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. A.Sharma, Advocate for
Mr. Pankaj Katia, Advocate for the appellants.

Mr. Rajneesh Malhotra, Advocate and
Ms. Manvi Verma, Advocate for
respondent No.3-Insurance Co.

NIDHI GUPTA, J.

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.5,50,000/- awarded by the learned Motor Accident Claims Tribunal, Jalandhar (hereinafter referred to as "the learned Tribunal") vide Award dated 05.02.2013 passed in MACT Case No. 26 dated 09.03.2010 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The 3 claimants are the minor children of the deceased Rajdeep Kaur, who was 40 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased- Rajdeep Kaur had died due to the injuries suffered by him in a motor vehicular accident that took place on 28.11.2009 due to the rash and



negligent driving of a Truck bearing registration No. PB-08-BB-9441 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The above said compensation was awarded along with interest @ 6% per annum. Respondents No.1 to 3 were held jointly and severally liable to pay the amount of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that deceased was 40 year old housewife and her income has been taken on the lower side by the learned Tribunal as only Rs.4,500/- per month. It is also submitted that no addition has been made towards future prospects. Even no consortium has been granted to the appellants/claimants, who are minor children of the deceased. Learned counsel submits that even interest is on the lower side.

4. It is accordingly prayed that the present Appeal be allowed; and the compensation be enhanced.

5. *Per contra*, learned counsel for respondent No.3-Insurance Company opposes submissions made on behalf of the appellants and submits that the impugned Award suffers from no infirmity as the compensation awarded to the appellants is just and fair. Hence, the present appeal deserves to be dismissed.

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



7. Admittedly, prior to the accident the deceased was a housewife. It is the contention of the appellants that income of the deceased has been taken on the lower side as only Rs.4,500/- per month. However, keeping in view the fact that the accident had taken place in the year 2009, I find no error in the notional income as assessed by the learned Tribunal. As there were 3 claimants, learned Tribunal had correctly made a deduction of 1/3rd towards personal expenses. Age of the deceased was determined to be 40 years on the basis of birth certificate; wherein her date of birth is mentioned as 30.05.1973. Accordingly, learned Tribunal had correctly applied multiplier of 15. Learned Tribunal had awarded Rs.5,000/- towards loss of estate; and Rs.5,000/- for funeral expenses. Clearly therefore, learned Tribunal has erroneously not granted any addition towards future prospects. Hence, given the age of the deceased, future prospects were liable to be added @ 40%. Further, the claimants being minor children of the deceased, are entitled to Rs.40,000/- each by way of parental consortium. Accordingly, compensation payable to the claimants is reassessed in the following manner:-

Sr.No.	Details	Before the Tribunal	Revised compensation
1.	Income	Rs.4,500/-per month	Rs.4,500/- per month
2.	40% future prospects	Nil	Rs.6,300/- (Rs.4,500+Rs.1,800)
3.	1/3rd deduction	Rs.3,000/- (Rs.4,500- Rs.1,500)	Rs.4,200/- (Rs.6,300- Rs.2,100)
4.	Multiplier of 15	Rs.5,40,000/- (Rs.3,000 X 12 X 13)	Rs.7,56,000/- (Rs.4,200 X 12 X 15)
5.	Loss of Parental consortium	Nil	Rs. 1,20,000/- Rs.40,000/- each to



			claimants No. 1 to 3)
6.	Funeral expenses	Rs.5,000/-	Rs.15,000/-
7.	Loss of estate	Rs.5,000/-	Rs.15,000/-
9.	Total	Rs.5,50,000/-	Rs.9,06,000/-
10.	Enhanced compensation	Rs.9,06,000-Rs.5,50,000 = Rs.3,56,000/-	
11.	Interest	6% per annum	6% per annum

9. Keeping in view the above noted and factual legal position; the present Appeal is **partly allowed** in the above terms.

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

12.02.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

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