



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

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FAO-4740-2025 (O&M)
Date of decision:20.01.2026

Raja Singh and Another ...Appellants
Versus
Vinod Kumar and Another ...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Hitesh Chauhan, Advocate for
Mr. Suresh Kumar Kaushik, Advocate
for appellants.

PARMOD GOYAL, J. (ORAL)

Appellants-claimants are aggrieved by impugned award dated 03.04.2025 passed by Motor Accident Claims Tribunal, Gurugram (hereinafter referred to as ‘**Tribunal**’), whereby appellants have been granted compensation of Rs.23,89,000/- on account of death of deceased-Malkhan in motor vehicular accident dated 29.06.2022 due to rash and negligent driving of respondent No.1 while driving offending vehicle No.HR26 DW 4286.

2. Appellants-claimants that are aggrieved by quantum of compensation and had claimed that compensation so awarded is not as per their entitlement.

3. Learned Tribunal has granted following compensation:-

Loss of dependency	Rs.22,68,000/-
Funeral expenses	Rs.16,500/-
Loss of estate	Rs.16,500/-
Loss of filial consortium	Rs.88,000/- (44,000X2)
Total	Rs.23,89,000/-



4. As per case of appellants-claimants, deceased was 23 years old and running a tea stall and was earning Rs.50,000/- per month. Appellants-claimants are aggrieved by impugned award on account of fact that though Tribunal has accepted that deceased was running a tea stall but had wrongly taken income of deceased to be Rs.15,000/- instead of Rs.50,000/-

5. On consideration, I do not find any error in the award passed by learned Tribunal. Except for oral assertions of PW-2, father of deceased that deceased was earning Rs.50,000/- from tea stall, there is no material to conclude that deceased was earning the said amount. Learned Tribunal has duly considered evidence of PW1-Kuldeep in front of whose company deceased was running tea stall and had concluded that deceased was running a tea stall at the time of his death, however, in absence of any proof of income from said tea stall, the income of deceased was taken to be Rs.15,000/-, taking earning of deceased to be higher than skilled worker who is entitled to get minimum wages equivalent to Rs.13,278/-. No doubt in unorganized sector, income of deceased can be proved to be higher than minimum wages payable to skilled/unskilled worker. However, said claim made by appellants-claimants has to be based on some cogent evidence in this regard. Mere oral statements of appellants-claimants without there being any corroborative material cannot be held to be sufficient to conclude income as pleaded by them.

6. In the facts and circumstances of the present case income of Rs.15,000/- taken by Tribunal, therefore, cannot be faulted with. It must be kept in mind that higher income is always reflected by lifestyle of deceased.



A person earning higher income tends to spend more and sufficient evidence can be placed on record by showing lifestyle or liabilities/assets of deceased indicative of higher income. However, except for oral assertions, there is no material to justify claim of Rs.50,000/- from tea stall. No fault with the finding of learned Tribunal can be found.

7. The argument that appellants-claimants was not granted any consortium, loss of estate and funeral expenses is without any basis. Amount of Rs.77,000/- has been granted along with Rs.44,000/- towards consortium. No doubt, Tribunal has not mentioned as to on what account Rs.77,000/- has been paid to the appellants-claimants. It is an inadvertent error on the part of Tribunal, however, in absence of any proof of medical expenses or any other head, Rs.77,000/- is justified by Rs.16,500/- towards funeral expenses, Rs.16,500/- towards loss of estate and Rs.44,000/- towards consortium to one of the appellants-claimants. Separate Rs.44,000/-has been paid to claimant No.2.

8. Therefore, present appeal is without any merit and hence dismissed.

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

(PARMOD GOYAL)
JUDGE

20.01.2026
Sunil Chander

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