IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4346-2016 (O&M)
Date of Decision: January 30, 2026

Usha Devi and others

...Appellants

VERSUS

Jaswant Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.R.S.Mamli and Ms.Lipika, Advocates
for the appellants.

Mr.Sachin Ohri, Advocate
for respondent No.3

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ARCHANA PURI, J.

CM-1246-CII-2026

The present application has been filed for fixing some actual date of hearing in the main appeal i.e. FAO-4346-2016.

Keeping in view the age of the appeal and also taking into consideration the fact of the record of the trial court already received, the present application is hereby allowed and the main appeal is taken up for hearing today itself.

FAO-4346-2016 (O&M)

The present appeal has been filed by the appellants-claimants, thereby, seeking enhancement of the compensation awarded by learned

Motor Accident Claims Tribunal, on account of death of Shish Pal, in a motor vehicular accident, which took place on 13.02.2013.

Counsel for the parties heard.

Be it noted that, it is only an appeal by the appellants-claimants filed for seeking enhancement of compensation. No rival appeal, as such, has been filed, at the instance of respondents, upon whom the liability was fastened.

Suffice to consider the accident had taken place on 13.02.2013. On appraisal of the evidence brought on record, learned Tribunal had concluded about the accident to have been caused due to rash and negligent driving of the car bearing registration No.HR-30H-9600, driven by respondent No.1-Jaswant Singh. As a result of said accident, Shish Pal had sustained fatal injuries.

Also, it is the pleaded case of the appellants-claimants about deceased Shish Pal to be 25 years old and was indulging in sale of milk and grazing of sheep and cattle. His earnings were stated to be Rs.15,000/- per month.

However, the indulgence of the deceased in sale of milk and grazing of sheep and cattle and so far extent of earnings is concerned, no satisfactory evidence, as observed by learned Tribunal, has come forth. In the given circumstances, learned Tribunal had considered the earnings of the deceased as Rs.6000/- per month, as per the prevalent minimum wages.

Considering the same and also taking into consideration the evidence, coming on record, the extent of earnings taken by learned Tribunal as Rs.6000/- per month, is appropriate. The compensation worked upon by learned Tribunal as given in paragraph No.18, is reproduced as herein given:-

Sr.No.	Heads	Calculation (In Rs.)
(i)	Income	6000/- per month
(ii)	1/4 of the (i) deducted as personal expenses of the deceased	6000-1500=4500/-
(iii)	Compensation after multiplier of 18 is applied	4500x12x18=9,72,000/-
(iv)	Loss of love and affection for claimants	75,000/-
(v)	Loss of consortium payable to the widow only i.e. petitioner no.1	1,00,000/-
(iv)	Funeral expenses/Last rites/Transport	25,000/-
	Total compensation awarded	Rs.11,72,000/-

However, the ‘work on’ of the compensation aforesaid, do call for re-computation, as per prevalent law.

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

However, the aforesaid finding is palpably wrong. 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.

So far as, the extent of earnings is concerned, as observed aforesaid, it was appropriately considered as Rs.6000/- per month, annual whereof is Rs.72,000/-. Deduction, on the count of 'personal expenses' ought to be made to the extent of 1/4th. Further, considering the age of deceased to be 25 years, addition on the count of 'future prospects' ought to be made to the extent of 40%. The appropriate multiplier to be applied is '**18**' as applied by learned Tribunal.

However, under the conventional heads, the amount of compensation awarded by learned Tribunal, needs to be scaled down. An amount of Rs.1,00,000/- has been awarded only to appellant-claimant No.1. However, 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' and as such, no separate compensation, ought to be granted, on the count of 'love 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.48,400x6=**Rs.2,90,400/-**. Even, on the count of 'funeral expenses', the amount now payable is **Rs.18,150/-**. The compensation, on the count of 'loss of estate' has been given amiss and on this count, the amount payable, at present, is **Rs.18,150/-**.

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

Loss of dependency	Rs.72,000/- per annum
Deduction of 1/4th	Rs.72000-18000=Rs.54,000/-
Addition of 40%	Rs.54000+21,600=Rs.75,600/-
Multiplier of '18'	Rs.75,600x18=**Rs.13,60,800/-**
Loss of consortium	**Rs.2,90,400/-**
Loss of estate	**Rs.18,150/-**
Funeral expenses	**Rs.18,150/-**
Total	**Rs.16,87,500/-**

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.16,87,500-11,72,000=Rs.5,15,500/-**. On the enhanced amount of the compensation i.e. **Rs.5,15,500/-**, 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 enhanced compensation, as now worked upon aforesaid, appellant No.1 is held entitled to **Rs.2,65,500/-**, whereas, appellants No.2 to 6 are held entitled to **Rs.50,000/-** each.

The impugned Award dated 18.11.2015 stands modified, to the extent, as indicated aforesaid.

In view of the aforesaid observations, the present appeal stands allowed.

January 30, 2026 **(ARCHANA PURI)**
Vgulati **JUDGE**

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