

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****230****FAO-1236-2017(O&M)****Date of decision: 22.01.2026****Suresh Devi & Others****...Appellant(s)****Vs.****Vatan Sharma & Another****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Raj Kumar Rana, Advocate
for the appellants.Mr. Punit Jain, Advocate
for respondent No.2.*********NIDHI GUPTA, J.**

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.13,70,000/- awarded by the Motor Accident Claims Tribunal, Ambala (hereinafter 'the learned Tribunal') vide Award dated 09.08.2016 passed in MACP Case No.287 dated 02.09.2015 filed under Section 166 of the Motor Vehicles Act (hereinafter "the Act"). The 5 claimants are the 35-year-old widow, 12-year-old son, 14-year-old daughter, 70-year-old father and 68-year-old mother of deceased Labh Singh, who was 40 years old at the time of accident.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that deceased Labh Singh had died due to the injuries suffered



by him in a motor vehicular accident that took place on 30.03.2015 due to the rash and negligent driving of Swift Car bearing registration No.HR-01-X-9099 (hereinafter “the offending vehicle”) being owned and driven by respondent No.1 and insured by respondent No.2. The said compensation has been awarded along with interest @ 7.5% per annum. Respondents were held jointly and severally liable for payment of compensation amount.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side as only Rs.10,000/- per month. It is submitted that nothing has been awarded by way of future prospects. Even amount under the conventional heads is on the lower side. Interest should be enhanced to 9%. Future prospects should be awarded @ 30%. Consortium is also on the lower side. It is accordingly prayed that the present appeal be allowed and the impugned Award be modified.

4. Per contra, Id. counsel for the respondent No.2 opposes the submissions made on behalf of appellants and submits that in terms of the recent judgment of the Hon’ble Supreme Court in **Hasina Yasmin v. National Insurance Co. Ltd., (SC) ; law Finder Doc ID # 2826989**; it has been directed that an accident that have taken place prior to 2017, only a sum of Rs.40,000/- is to be awarded as consortium and Rs.15,000/- each towards funeral expenses and loss of estate - without 10% increase. Accident in the



present case is of 2015. Learned counsel further submits that the impugned Award suffers from no error; and present appeal deserves to be dismissed.

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

6. It was the pleaded case of the appellants before the learned Tribunal that prior to the accident, the deceased was doing dairy farming business with Sher Singh and was earning Rs.1 lakh per month. Claimant No.1 had appeared as PW4 but was unable to produce any authentic proof of income of the deceased. Thus, appellants failed to adduce any documentary evidence to prove the said alleged income of the deceased. Accordingly, in the absence of any evidence, the Tribunal has correctly assessed notional income of the deceased as Rs.10,000/- per month. I find no error in the same.

7. Age of the deceased was determined to be 40 years, as per the pleadings. Accordingly, an addition of 25% towards future prospects was liable to be made. However, the learned Tribunal has failed to do so. The Tribunal has correctly applied multiplier of 15. As claimants were 5 in number, learned Tribunal has correctly made deduction of $\frac{1}{4}$ th. Under the conventional heads, learned Tribunal has only awarded Rs.10,000/- towards funeral expenses; Rs.10,000/- towards consortium. The same is liable to be enhanced. Accordingly, compensation payable to the appellants is re-assessed as under: -



Head	Awarded by learned Tribunal	Re-assessed compensation
Income	Rs.10,000/- per month	Rs.10,000/-
Total income with future prospects	Nil	(25%) Rs.10,000/- + Rs.2500/- = Rs.12,500/-
Deduction (1/4 th)	Rs.7,500/-	Rs.12,500/- - Rs.3,125/- = Rs.9,375/-
Total annual income	Rs.90,000/-	Rs.1,12,500/-
Multiplier	15	15
Total loss of dependency	Rs.13,50,000/-	Rs.16,87,500/-
Funeral expenses	Rs.10,000/-	Rs.15,000/-
Loss of estate	Nil	Rs.15,000/-
Loss of consortium for wife	Rs.10,000/-	Rs.40,000/-
Loss of parental consortium to father, mother and two children each	Nil	Rs.40,000/- x 4 = Rs.1,60,000/-
Total	Rs.13,70,000/-	Rs.19,17,500/-

8. The appeal is **allowed** as above.
9. Pending application(s) if any also stand(s) disposed of.

22.01.2026
Sunena

(Nidhi Gupta)
Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No