2026:PHHC:066767

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-995-2016

1	The date when the judgment was reserved	16.03.2026
2	The date when the judgment is pronounced	30.04.2026
3	The date when the judgment is uploaded on the website	01.05.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment and reasons thereof.	Not applicable

KAMLA AND ANR. ......Appellants

Vs.

ROSHAN AND ORS. ......Respondents

CORAM: ***HON'BLE MR. JUSTICE HARKESH MANUJA***

Present: Mr. J.P. Sharma, Advocate for the applicants-appellants

Mr. D.P. Gupta, Advocate for respondent No.3

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HARKESH MANUJA, J.

1. Briefly stating, the appellants/claimants filed a claim petition before the learned Motor Accident Claims Tribunal, Narnaul (for brevity, 'the Tribunal'), seeking compensation to the tune of ₹25,00,000/- on account of the death of Vijay Singh, aged 40 years, in a motor vehicular accident that occurred on 30.07.2001. The learned Tribunal awarded compensation of ₹6,09,500/- along with interest @ 9% per annum from the date of filing of the claim petition till realization.

2. Aggrieved by the said award, respondent No.3–Insurance Company preferred an appeal before this Court. The said appeal was allowed vide order dated 18.05.2015 passed in FAO No.1926 of 2003, whereby the matter was remanded to the learned Tribunal for fresh adjudication, with a direction to afford

opportunity to both parties to lead evidence and to decide the matter afresh within a period of six months.

3. Upon remand, the learned Tribunal reconsidered the matter and vide award dated 09.10.2015 awarded a sum of ₹6,09,000/- along with interest @ 9% per annum from the date of filing of the claim petition till realization.
4. By way of the present appeal, the appellants/claimants assailed the aforesaid award dated 09.10.2015 seeking enhancement of the compensation so awarded.
5. Since the sole issue for determination in the present appeal is confined to the quantum of compensation awarded by the learned Tribunal, a detailed narration of the facts of the case is omitted herein for the sake of brevity.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR THE APPELLANTS

6. Ld. counsel for the appellants/claimants assailed the award by submitting that the deceased was earning Rs.25,000/- per month, however ld. Tribunal erred in assessing the monthly income of the deceased @ Rs.5000/-.It was further submitted that the ld. Tribunal failed to consider future prospects in accordance with settled law, and that the compensation awarded under the conventional heads was not in consonance with the established legal principles. The multiplier applied, as well as the rate of interest awarded, were also assailed as being on the lower side. On these grounds, enhancement of the compensation was prayed for.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR RESPONDENT No.3/INSURANCE COMPANY

7. Per contra, learned counsel representing respondent No.3/Insurance Company neither refuted the factum of accident nor even the negligence of the offending vehicle, however submitted that in the facts of the present case, the compensation assessed by the learned Tribunal called for no interference.

DISCUSSION AND REASONING

8. I have heard learned counsels for the parties and perused the paper-book of the case. I find force in the arguments advanced by learned Counsel for the appellants.

9. In the present case, from the deposition of Kamla devi, PW-1 (widow of the deceased) dated 21.11.2002 in the previous round of proceedings before the ld. Tribunal, it had come on record that the deceased at the time of death was earning Rs.2 lakhs per annum besides owning a tractor and 10-12 acres of agricultural land. It was further deposed that the deceased was also employed as a salesman with Haryana Feed Mill, Narnaul (a private mill) where he was drawing a salary of Rs.5000/- per month. The latter factum regarding the employment of the deceased as salesman stood duly corroborated by the testimony of Partap Singh, Proprietor of Haryana Feed Mill (PW-3) who produced on record salary certificate (Ex P-1) which clearly reflects that the deceased was receiving a monthly income of Rs.5000/- as a salesman. The learned Tribunal, however, discarded Ex. P-1 solely on the ground that the DDR did not contain any recital regarding the employment of the deceased in the said mill. This Court is unable to concur with the said finding. The purpose of lodging a DDR is merely to record information regarding the occurrence of an incident, and it is neither expected nor necessary that every ancillary detail, such as the occupation or income of the deceased, should find mention therein. Therefore, omission of the said fact in the DDR cannot be made a ground to discard otherwise credible documentary and oral evidence. Accordingly, it can safely be held that the deceased was earning Rs. 5,000/- per month as a salesman with Haryana Feed Mill.

9.1 Further, a perusal of the *jamabandis* (Ex. P-22 to Ex. P-24) and mutation entries (Ex. P-25 and Ex. P-26) reveals that the deceased was the owner of agricultural land and was engaged in agricultural pursuits. Since proceedings under the Motor Vehicles Act, 1988 are summary in nature, evidence in *stricto sensu* is not required. Thus, this Court does not deem it necessary to undertake a detailed examination regarding the precise extent of ownership or possession of agricultural land held by the deceased. Nevertheless, the material on record sufficiently establishes that the deceased was actively engaged in agriculture and earning therefrom. Though after the death of the deceased, the land and tractor may have devolved upon his legal representatives, it cannot be presumed that the agricultural income remained unaffected. Agriculture is a skilled vocation requiring active supervision, labour and management, and at the relevant time the son of the deceased was admittedly a minor. Therefore, it cannot be assumed that the same level of income from agricultural operations could have continued after the death of the deceased. In this regard reliance is placed on the decision rendered in the case of ***New India Assurance Co. Ltd. v. Yogesh Devi & Ors.*** reported as ***(2012)3SCC613*** wherein the Supreme Court observed as under:

> *" 10. In Jasbir Kaur case (supra), the claim was based on an assertion that the deceased was an agriculturist earning an amount of Rs. 10,000/- per month by cultivating his land. Dealing with the question, this Court held:*
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> > *"8. xxxxxxxxx. The land possessed by the deceased still remains with the claimants as his legal heirs. There is however a possibility that the claimants may be required to engage persons to look after agriculture. Therefore, the normal rule about the deprivation of income is not strictly applicable to cases where agricultural income is the source. Attendant circumstances have to be considered."*

> ***10.****Coming to the case on hand, the claim is based on the assertion that the deceased owned agricultural land apart from the above-mentioned three mini- buses. The High Court rejected the claim insofar as it is based on the income from the land, on the ground that the income would still continue to accrue to the benefit of the family. Unfortunately, the High Court failed to see that the same logic would be applicable even to the income from the above-mentioned three buses. The asset (three mini-buses) would still continue with the family and fetch income. The only difference, perhaps, would be that during his life time the deceased was managing the buses, but now, the claimants may have to engage some competent person to manage the asset, which, in turn, would require some payment to be made to such a manager. To the extent of such payment, there would be a depletion in the net income accruing to the claimants out of the asset. Therefore, the amount required for engaging the service of a manager and the salary payable to a driver - as it is asserted that the deceased himself used to drive one of the three buses - would be the loss to the claimants….”*

Thus, the relevant consideration in law is not merely the survival of the asset, but the loss of the deceased's personal contribution in generating income from such asset. With the death of the deceased, the benefit of his personal exertion stood lost to the family, and such loss constitutes a valid component of dependency.

10. In view of the aforesaid factual and legal position, this Court concurs with the finding recorded by the ld. Tribunal to the extent that the deceased could reasonably be treated as an agricultural manager, and the income assessed on that count at Rs.5,000/- per month appears to be just and reasonable. Further, as stated above the deceased was also drawing a monthly salary of Rs.5000/- as a salesman. Accordingly, the monthly income of the deceased is taken to be Rs.10,000/-.

QUESTION OF FUTURE PROSPECTS, MULTIPLIER AND DEDUCTION TOWARDS PERSONAL EXPENSES

11. As per the deposition of the Kamla Devi, PW-1 (widow of the deceased) and according to the copy of postmortem report taken on record as Ex. P3, the deceased at the time of death was 40 years of age. In the absence of any other evidence to the contrary, this Court deems it appropriate to assess the age of the deceased as 40 years. Thus, placing reliance upon the law laid down in the case ***"Smt. Sarla Verma and others vs. Delhi Transport Corporation and another"***,

reported as ***2009(3) RCR (Civil) 77***, and ***"National Insurance Co. Ltd. vs. Pranay Sethi and others"*** reported as ***(2017) 16 SCC 680,*** 25% of the income needs to be granted towards future prospects. Accordingly, multiplier of 15 is applied. Since at the time of death, the deceased was survived by his widow, one minor son and his parents, the claimants being total 4 in number, the appropriate deduction towards the personal and living expenses of the deceased ought to be assessed at one-fourth.

QUESTION OF COMPENSATION UNDER CONVENTIONAL HEAD

12. Furthermore, in view of the judgment of the Hon'ble Apex Court **in *Smt. Sarla Verma's case (supra)***, ***Pranay Sethi's case (supra)*** and ***"United India Insurance Co. Ltd. vs. Satinder Kaur",*** reported as ***(2021) 11 SCC 780,*** compensation awarded under conventional heads is also required to be assessed accordingly. Appellants/claimants are thus, held entitled for Rs. 18,000/- as compensation under funeral head and Rs. 18,000/- towards loss of estate. A perusal of the zimni order dated 24.08.2015 reveals that both the parents of deceased namely Raghubir (claimant no.3) and Smt. Mishri devi (claimant no.4) have since expired. Thus, in the present appeal, loss of consortium is assessed to the tune of Rs. 96,000/- (48,000 x 2) as appellants (in the present appeal) being the widow and the son are entitled to spousal and parental consortium.

CONCLUSION

13 In view of the discussion made herein above, the appellants/claimants are held entitled for the grant of compensation in the following manner:-

S No.	Nature	Amount (in Rs.)
1.	Annual Income of the deceased (Monthly income Rs.10,000/-)	Rs. 1,20,000/-
2.	Deduction (1/4th)	Rs. 30,000/-
3.	Net Income (Rs. 1,20,000-30,000)	Rs. 90,000/-

4.	Future Prospects (25%)	Rs. 22,500/-
5.	Total Income (90,000/- + 22,500/-)	Rs. 1,12,500/-
6.	**Loss of Income after applying multiplier of 15 as deceased aged 40 years (1,12,500 x 15)**	**Rs. 16,87,500/-**
7.	**Loss of Estate**	**Rs. 18,000/-**
8.	**Funeral Expenses**	**Rs. 18,000/-**
9.	**Loss of Consortium (48,000 x 7)**	**Rs. 96,000/-**
11.	**Total Compensation**	**Rs. 18,19,500/-**
12.	**Amount Awarded by the Tribunal**	**Rs. 6,09,000/-**
13.	**Enhanced Compensation**	**Rs. 12,10,500/-**

14. The grant of interest @ 9% per annum from the date of institution of claim petition till its realization is just and equitable in view of the observations made by the Hon'ble Supreme Court in ***"Smt. Supe Dei and others vs. National Insurance Company Limited and other***, reported as ***(2009) (4)SCC 513*** and approved in a subsequent judgment titled as ***"Puttamma and others vs. K.L. Narayana Reddy and another, 2014 (1) RCR (Civil) 443***. In case the said amount is not paid within three months, the same shall be payable thereafter along with 12% interest from the expiry of period of three months from today. Needless to mention here that the amount of compensation already paid to the claimant shall be deducted from the enhanced compensation.

15. The appellants/claimants shall be entitled for enhanced compensation in the proportion already granted by the learned Tribunal.

16. In view of the aforesaid modification, the present appeal stands disposed of.

17. Pending miscellaneous application(s), if any, shall also stand disposed of.

April 30, 2026 **(HARKESH MANUJA)**
Tejwinder **JUDGE**

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