

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****118****FAO-2288-2018 (O&M)****Date of decision: 09.02.2026****Paramjeet Kaur and others****...Appellant(s)****Vs.****Fumman Singh and others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Dheeraj Narula, Advocate for the appellant.

Mr. Vinod Gupta, Advocate
for respondent No.4-Insurance Co.

NIDHI GUPTA, J.

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.10,74,355/- awarded by the learned Motor Accident Claims Tribunal, Sirsa (hereinafter referred to as "the learned Tribunal") vide Award dated 31.10.2017 passed in MACP Case No. 11 dated 13.01.2016 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The 4 claimants are the 45-year-old widow, 27-year-old daughter; 25-year-old son; and 23-year-old daughter of the deceased Sumer Chand @ Sumer Singh, who was 50 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-Sumer Chand had died due to the injuries suffered by him in a motor



vehicular accident that took place on 15.08.2015 due to the rash and negligent driving of a Maruti Zen bearing registration No. DL-6CH-2134 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2 and 3; and insured by respondent No.4. The above said compensation was awarded along with interest @ 9% per annum. All the respondents 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 of the compensation amount of Rs.10,74,355/-, an amount of Rs.44,855/- is by way of medical bills. Therefore in actual fact, a meager compensation has been awarded to the appellants. It is further submitted that the appellants have proved on record that the deceased was only about 44 years old and was agriculturist and was earning Rs.15,000/- per month. Yet, learned Tribunal had assessed the income of the deceased as Rs.8,505/- per month as that of a casual labourer. Even nothing has been granted by way of future prospects; whereas future prospects ought to have been added @ 25%. Even under the conventional heads, amounts have not been awarded as per law, as nothing has been granted to the claimants No. 2, 3 and 4 by way of consortium.

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

5. *Per contra*, learned counsel for respondent No.4-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. It has been contended on behalf of the appellants that income of the deceased has been taken on the lower side as only Rs.8,505/- per month. However, I find no error in the same as appellants were unable to prove that the deceased was doing agricultural work and earning Rs.15,000/- per month. In this situation, in the absence of evidence, learned Tribunal had assessed income of the deceased as a casual labourer as per DC rates in the year 2015 as Rs.8,505/- per month. I find no error in the same. Further, learned Tribunal had made deduction of 1/4th towards personal expenses keeping in view the fact that all 3 children of the deceased although major, were unmarried and were not independently employed and, therefore, they were financially dependent on the deceased father. I find no error in the same. Learned Tribunal has given a categorical finding that the deceased was financially supporting the 4 dependents being wife, 2 unmarried daughters, and 1 unmarried son, therefore deduction of 1/4th towards personal expenses has been correctly made.

8. As regards the age of the deceased, it is contended that the deceased was 44 years old at the time of accident. However, as per the Driving License of the deceased (Ex.R8), his date of birth is 08.05.1965. As



such, deceased was more than 50 years old at the time of accident. Learned Tribunal has taken due note of the fact that claimants have not produced any documentary evidence with regard to exact age of the deceased. As such, age of the deceased was correctly determined to be more than 50 years at the time of death; and multiplier of 13 was correctly applied. However, learned Tribunal has failed to grant anything towards future prospects. Whereas an addition of 10% was liable to be made towards future prospects. Under the conventional heads, learned Tribunal has awarded consolidated amount of Rs.25,000/- for mental pain and sufferings, loss of consortium and love and affection. Learned Tribunal has also awarded Rs.10,000/- towards funeral expenses and transportation etc. However, even the said amounts are liable to be enhanced as per structured formula laid down by the Hon’ble Supreme Court. Accordingly, compensation payable to the claimants is reassessed in the following manner:-

Sr.No.	Details	Before the Tribunal	Revised compensation
1.	Income	Rs.8,505/-per month	Rs.8,505/- per month
2.	10% future prospects	Nil	Rs.9,355/- (Rs.8,505+Rs.850)
3.	1/4th deduction	Rs.76,500 (Rs.6,375 x 12)	Rs.6,967 (Rs.9,355- Rs.2,388)
4.	Multiplier of 13	Rs.9,94,500/- (Rs.76,500 x 13)	Rs.10,86,852/- (Rs.6,967 x 12 x 13)
5.	Mental pain and suffering, loss of consortium, and love and affection	Rs.25,000/-	Rs. 1,60,000/- Rs.40,000/- each to claimants No. 1 to 4)
6.	Funeral expenses and transportation etc.	Rs.10,000/-	Rs.18,000/-

7.	Loss of estate	Nil	Rs.18,000/-
8.	Medical Bills	Rs.44,855/-	Rs.44,855/-
9.	Total	Rs.10,74,355/-	Rs.13,27,707/-
10.	Enhanced compensation	Rs.13,27,707-Rs.10,74,355 = Rs.2,53,352/-	
11.	Interest	9% per annum	9% 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.

09.02.2026

Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No