



FAO-7035-2017

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**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

FAO-7035-2017 (O&M)

Manjit Kaur and ors.

.....Appellants

vs.

Gurmail Singh @ Gurwel Singh and ors.

.....Respondents

Date of Reserve: 29.04.2026**Date of Pronouncement: 30.04.2026****Uploaded on:-05.05.2026**

Whether only the operative part of the judgment is pronounced? ***No***
Whether full judgment is pronounced? ***Yes***

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Mukesh Kumar Bhatnagar, Advocate
for the appellant.

None for respondent Nos. 1 and 2.

Ms. Ayushi Jain, Advocate for Mr. Pardeep Goyal, Advocate
for respondent No. 3.

SUDEEPTI SHARMA J.

1. The present appeal is preferred against the award dated 08.05.2017 passed by the learned Motor Accident Claims Tribunal, Patiala (for short, 'the Tribunal') in the claim petition filed under Section 166 of the Motor Vehicles Act, 1988 on the ground that the compensation to the tune of Rs.12,33,000/- along with interest @ 7% per annum awarded to the appellants/claimants, on account of death of Jaswant Singh in a Motor Vehicular Accident, occurred on 25.11.2015 awarded by the learned Tribunal is on the lower side.



2. Since the appellants/claimants are only asking for enhancement of compensation awarded by the learned Tribunal, a detailed narration of the facts of the case is not required to be reproduced here for the sake of brevity.

SUBMISSIONS OF LEARNED COUNSEL FOR THE PARTIES

3. The learned counsels for the claimants-appellants contends that the amount assessed by the learned Tribunal is on the lower side and deserves to be enhanced. He prays that the present appeal be allowed and compensation be enhanced as per latest law.

4. Per contra, learned counsels for respondent No. 3-Insurance Company however, vehemently contends that the learned Tribunal did not take into consideration that FIR was registered against unknown person and Gurmail Singh (driver of the offending vehicle) was falsely implicated to get compensation. She further contends that alcohol contents were found in the body of Jaswant Singh (since deceased) which shows that he was driving his motorcycle under the influence of liquor. Therefore, he himself was negligent while driving his motorcycle.

5. She further contends that there was no route permit of the bus at the time of the accident, therefore, recovery rights be granted in favour of Insurance Company and the Insurance Company be excluded from the liability to pay compensation to the appellants/claimants. He further submits that the Insurance Company filed separate FAO No. 6871-2017 titled as National Insurance Co. Ltd vs. Manjit Kaur and others. She prays that the present appeal be dismissed.



6. I have heard learned counsel for the parties and perused the whole record of this case.

7. A perusal of the impugned award shows that the age of the deceased was 45 years at the time of accident. The factum of age is not disputed by either of the party before this Court. Consequently, the age of the deceased is taken as 45 years and learned Tribunal has rightly applied the multiplier of 14.

8. A further perusal of the award reveals that deceased was stated to be working as Hawker and was also running milk dairy, thereby earning Rs.16,000/- per month. No documentary evidence substantiating his income was produced before the learned Tribunal. In the absence of proof regarding the earnings of the deceased, the learned Tribunal resorted to the minimum wage notifications applicable at the relevant time for an unskilled worker for assessing the income of the deceased and thereby assessed the same as Rs.8,000/- The said approach, however, suffers from material infirmity.

9. It is a settled position of law, as laid down by the Hon'ble Supreme Court in ***Chandra @ Chanda @ Chandraram v. Mukesh Kumar Yadav & Ors., reported as (2022) 1 SCC 198***, that in cases where there is no documentary evidence of income, the minimum wages notification may be adopted as a guiding factor, but the same cannot be treated as an inflexible or absolute standard. The Court has further held that a reasonable amount of guesswork, based on the facts and circumstances of each case, is permissible and indeed necessary while assessing the income of the deceased.



10. In view of the aforesaid settled legal position, and keeping in mind the nature of employment, age of the deceased, and the overall facts and circumstances of the present case, it would be just, fair, and reasonable to assess the monthly income of the deceased at **Rs.10,000/-** for the purpose of determining compensation.

11. A further perusal of the award reveals that the learned Tribunal has rightly deducted 1/4 towards personal expenditure of the deceased. Furthermore, the amount granted for loss of consortium is on the lower side and no amount is granted for loss of estate and future prospects which is contrary to the settled law, therefore, this award requires indulgence of this Court.

CONCLUSION

12. In view of the law laid down by this Court, the present appeal is allowed. The award dated 08.5.2017 is modified accordingly. The claimants/appellants are entitled to enhanced compensation as per the calculations made hereunder:-

<i>Sr. No.</i>	<i>Heads</i>	<i>Compensation Awarded</i>
1	Monthly Income	Rs.10,000/-
2	Future prospects @ 25%	Rs.2,500/- (25% of 10000)
3	Deduction towards personal expenditure 1/4th	Rs.3,125/- (12,500 X 1/4)
4	Total Income	Rs.9,375 (12,500 – 3,125)
5	Multiplier	14
6	Annual Dependency	Rs.15,75,000/- (9,375 X 12 X 14)
7	Loss of Estate	Rs.15,000/-
8	Funeral Expenses	Rs.15,000/-
9	Loss of Consortium	Rs.2,40,000/-



	Parental: Rs.40,000 x 3 Spousal: Rs.40,000 x 1 Filial : Rs.40,000 x 2	
10	Total Compensation	Rs.18,45,000/-
11	Deduction Amount Awarded by the Tribunal	Rs.12,33,000/-
12	Enhanced amount	Rs.6,12,000/- (18,45,000-12,33,000)

13. So far as the interest part is concerned, as held by Hon'ble Supreme Court in **Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma 2019 ACJ 3176** and **R.Valli and Others VS. Tamil Nadu State Transport Corporation (2022) 5 Supreme Court Cases 107**, the claimants/appellant are granted the interest @ 9% per annum on the enhanced amount from the date of filing of claim petition till the date of its realization.

14. Respondent No. 3-Insurance Company is directed to deposit the enhanced amount of compensation along with interest with the learned Tribunal within a period of two months from the receipt of copy of this judgment. The Tribunal is directed to disburse the enhanced amount of compensation along with interest in the accounts of the claimants/appellants, as per award dated 8.5.2017. The claimants/appellants are directed to furnish their bank account details to the Tribunal.

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

30.04.2026

Gaurav Arora

(SUDEEPTI SHARMA)
JUDGE

Whether speaking/non-speaking : Yes/No
Whether reportable : Yes