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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4717-2018 (O&M)
Date of Decision : 18.02.2026

Saroj and Others ... Appellants

Versus

Sikander Singh and Another ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashwani Arora, Advocate for the appellants.

Service of respondent No.1 dispensed with vide order dated 12.09.2019.

Mr. Pankaj Mehta, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Mohali (hereinafter referred to as 'Tribunal') vide the impugned award dated 04.01.2018 on account of death of Hari Ram @ Raj Kumar (hereinafter referred to as the 'deceased') in a motor vehicle accident which occurred on 20.05.2016.

2. As per report of the Mediator, the mediation was a non-starter.

3. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

4. The Tribunal in the present case had awarded the following compensation :

Sr. No.	**Heads**	**Compensation Awarded**
1	Monthly Income	₹12,000/-
2	Annual Income	₹1,44,000/- [₹12,000 x 12]
3	Deduction - 1/4th	₹1,08,000/- [₹1,44,000 - ₹36,000]
4	Future Prospects - 40%	₹1,51,200/- [₹1,08,000 + ₹43,200]
5	Multiplier - 15	₹22,68,000/- [₹1,51,200 x 15]
6	Loss of estate	₹15,000/-
7	Funeral expenses	₹15,000/-
8	Loss of consortium	₹40,000/-
	Total Compensation	**₹23,38,000/-**
	Interest	**9% per annum**

5. Learned counsel for the claimant-appellants would contend that he does not challenge the deduction, multiplier and the future prospects as applied by the Tribunal. However, he has contended that the deceased in the present case was admittedly the driver and owner of the truck bearing registration No.RJ-31G-4300, which was a heavy transport vehicle. It is further the contention that Ex.PW-1/H, which is the registration certificate of the truck, reveals that the deceased was owner of the truck. Learned counsel for the claimant-appellants has further contended that income of the deceased has been assessed as ₹12,000/- per month. However, Hon'ble Supreme Court in the case of **Sushila & Ors. vs. Ram Swaroop & Ors. [2023 ACJ 2028]** where the accident had taken place in 2012 and the deceased therein was the driver of a heavy duty vehicle, had assessed his income as ₹20,000/- per month. It has further been contended that the deceased has left behind four minor children of age 09 years, 08 years, 04 years and 1½ years at the time of accident, widow and the mother. It is further the contention of learned counsel for the claimant-appellants that the compensation awarded under the conventional heads as well as under the head 'loss of consortium' is not in accordance with the law laid down by the Hon'ble Supreme Court in the cases

of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**, **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]** and **N. Jayasree & Ors. vs. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

6. *Per contra* learned counsel for respondent No.2-Insurance Company has contended that in the absence of any proof of income, the Tribunal has rightly assessed the income of the deceased as that of a driver and therefore the same does not call for any modification. It is further the contention that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

7. I have heard learned counsel for the parties.

8. In the present case it has come on the record that the deceased was owner and driver of the truck as per registration certificate (Ex.PW-1/H). The truck was badly damaged in the accident. Hon'ble Supreme Court in the case of **Sushila** (supra) where the deceased, who was engaged as a driver to drive a 18 wheels truck-trolley had met with an accident in 2012, assessed the income as ₹20,000/- per month keeping in view the fact that he used to drive a heavy-duty vehicle and also the nature of duty involved. Taking a cue from the said judgment, this Court deems it appropriate to assess the income of the deceased as ₹20,000/- per month keeping in view the fact that he was not only owner of the truck but was also driving the truck and the nature of duties involved.

9. Admittedly, no appeal has been preferred by the Insurance Company. In the present case, since no challenge has been laid by learned counsel for the claimant-appellants to the future prospects, deduction and

multiplier as applied by the Tribunal, the same are maintained accordingly. However, the compensation awarded under the conventional heads and under the head ‘loss of consortium’ is not as per the law laid down by the Hon’ble Supreme Court in the cases of **Pranay Sethi** (supra), **Magma General Insurance Company Limited** (supra) and **N. Jayasree** (supra), hence, the claimants would be entitled to ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses as also to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹20,000/-
2	Annual Income	₹2,40,000/- [₹20,000 x 12]
3	Deduction - 1/4th	₹1,80,000/- [₹2,40,000 - ₹60,000]
4	Future Prospects - 40%	₹2,52,000/- [₹1,80,000 + ₹72,000]
5	Multiplier - 15	₹37,80,000/- [₹2,52,000 x 15]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 4] (ii) Filial [₹48,000/- x 1] (iii) Spousal	 ₹1,92,000/- ₹48,000/- ₹48,000/- (Total ₹2,88,000/-)
	Total Compensation	**₹41,04,000/-**

10. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

11. In view of the decision by the Hon’ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimants

within six weeks from today and the apportionment thereof shall be as per the percentage directed by the Tribunal and the share of the minor claimants (appellant Nos.2 to 5 herein) shall be kept in fixed deposits by the Bank concerned. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimant-appellants to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

12. In view of the above discussion, the award passed by the Tribunal is modified and the present appeal stands allowed accordingly. Pending applications, if any, also stand disposed off.

18.02.2026 **(ALKA SARIN)**
jk **JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO