

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****230****FAO-767-2017(O&M)****Date of decision: 22.01.2026****Banto 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.3.*********NIDHI GUPTA, J.**

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.12,80,000/- awarded by the Motor Accident Claims Tribunal, Ambala (hereinafter 'the learned Tribunal') vide Award dated 09.08.2016 passed in MACP Case No.286 dated 02.09.2015 filed under Section 166 of Motor Vehicles Act (hereinafter "the Act"). The 3 claimants are the 43-year-old widow, 23-year-old son and 19-year-old daughter of deceased Sher Singh, who was 45 years old at 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 Sher 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 in accidents 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 was in 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 Labh Singh and was earning Rs.1 lakh per month. However, the appellants had failed to adduce any documentary evidence to prove the said alleged income of the deceased. Claimant No.1 while appearing as PW3 has admitted that she had not proved that the deceased had taken land on rent to keep 60-70 buffaloes as alleged in the Claim Petition. She admitted that the deceased was not an Income Tax Assessee and that she keeps only two buffaloes at her village. Accordingly, in the absence of any evidence, the learned 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 45 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 14. As claimants were 4 in number, learned Tribunal has correctly made deduction of $\frac{1}{4}$ th. Under the conventional heads, learned Tribunal has 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/- pm
Total income with future prospects	Nil	(25%) Rs.10,000/- + Rs.2,500/- = 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	14	14
Total loss of dependency	Rs.12,60,000/-	Rs.15,75,000/-
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 each child	Nil	Rs.40,000/- x 2 = Rs.80,000/-
Total	Rs.12,80,000/-	Rs.17,25,000/-

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