

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

115

FAO-6822-2019 (O&M)
Date of decision:19.01.2026

Pushpa and Others

...Appellants

Versus

Sajjan Singh and Others

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rao Ajender Singh, Advocate
for appellants.

Mr. Punit Jain, Advocate
for respondent No.3.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the claimants-appellants being the wife, children and mother of the deceased, Mukesh Kumar (hereinafter referred to as the “Deceased”), who died in a motor vehicular accident which took place on 18.05.2016, on account of rash and negligent driving by Respondent No. 1 while driving trolly bearing registration No.NL-01N-1640.

2. Being aggrieved by the impugned award dated 26.11.2018, passed by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as “Tribunal”), vide which the claimants-appellants were found entitled to total compensation of Rs. 39,93,000/-, the claimants-appellants are seeking enhancement of compensation awarded by the Tribunal as the same is not accordance with their entitlement.

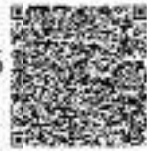
3. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal are not being adverted to herein for sake of brevity.



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

Income	Rs. 17,870/-
Future Prospects	Rs. 7,148/- @ 40%
Total Annual Income (25,018x12)	Rs. 3,00,216/-
Less 1/4 th (deducted towards personal expenses of deceased) (3,00,216/4)	Rs. 75,054/-
Loss of annual dependency (Rs. 3,00,216/- - Rs. 75,054/-)	Rs. 2,25,162/-
Multiplier	16
Loss of future income (2,25,162x16)	Rs. 36,02,952/-
Loss of love and affection	Rs. 2,00,000/- (Rs. 50,000/- each)
Funeral expenses	Rs. 15,000/-
Loss of estate	Rs. 15,000/-
Loss of spousal, parental and filial consortium	Rs. 1,60,000/- (Rs. 40,000/- payable to each of petitioners no. 1 to 4)
Total Compensation payable	Rs. 39,92,592/- (rounded Rs. 39,93,000/-)

5. Main challenge in the present appeal by appellants-claimants is as regards to income of deceased which has been taken into consideration by learned Tribunal. Learned Tribunal considered salary slips for the month of



February 2015 (Ex.P17), March 2015 (Ex.P16), April 2015 (Ex.P15), May 2015 (Ex.P14), June 2015 (Ex.P13), July (Ex.P12), August 2015 (Ex.P11), September 2015 (Ex.P10), October 2015 (Ex.P9), November 2015 (Ex.P8), December 2015 (Ex.P7), January 2016 (Ex.P6), February 2016 (Ex.P5), March 2016 (Ex.P4), April 2016 (Ex.P3) and May 2016 (Ex.P2). Salary as mentioned in Ex.P-3 was taken to be monthly income of deceased. Learned counsel for appellants-claimants states that Tribunal has erred in taking income on the basis of April 2016, Ex.P-3 whereby Rs.17,870/- was paid to deceased. The said salary was only for 27 days as deceased had only worked for 27 days during said month. Learned counsel for appellants-claimants has placed reliance upon Ex.P/4, salary slip for month of March paid in April 2016, wherein the basic pay for all 30 days has been shown to Rs.17,050/-, HRA as Rs.1705/-, washing allowance as Rs.660/- and children education allowance as Rs.220/- making monthly salary of deceased to be Rs.19,885/-.

6. I find merit in the contention raised on behalf of appellants-claimants. The income of deceased would be determined on the basis of basic salary and if in one month, he as on leave and an amount has been deducted for said leave, the salary for said month cannot be held to be the real income of deceased. The real income of deceased is mentioned in Ex.P/4, which Tribunal ought to have taken into account. Accordingly, monthly salary of deceased is taken as Rs.19,885/- (Ex.P/4). No other issue has been raised regarding calculation made by learned Tribunal. Admittedly, deceased was 25 years, future prospects of 40%, 1/4th deduction towards personal expenses of deceased as four persons vis. Wife, son, daughter and mother of deceased were dependent upon him and multiplier of 16 was applied. I do not find any



error in the same.

7. Further I find that learned Tribunal has erred in granting compensation under loss for love and affection as well as loss of consortium. Once, loss of consortium has been granted to all the four dependents, no compensation under head of loss of love and affection can be granted as same is part of consortium and accordingly said amount needs to be reduced from total awarded amount.

8. Appellant/claimant is therefore, entitled to following compensation on the basis of monthly salary of Rs.19,835/- of deceased :-

Income	Rs.19,885/- per month	Rs.19,885/- per month
Future Prospects	40% (Rs.19,885+7954)	Rs.27,839/-
Deduction	1/4 (Rs.27,839-6,959)	Rs.20,880/-
Multiplier	16	16
Total loss of dependency	20,880X16X12	Rs.40,08,960/-
Loss of Estate		Rs.15,000/-
Funeral Expenses		Rs. 15,000/-
Loss of spousal consortium	Rs.40,000/- (to claimant No.1)	Rs.40,000/-
Loss of parental consortium	Rs.40,000/-X 2 (to claimant Nos.2 &3)	Rs.80,000/-
Loss of filial consortium	Rs.40,000/-X 2 (to claimant No.4)	Rs.40,000/-
Total Compensation awarded by the Tribunal		Rs.39,92,592/-
Total Compensation awarded in appeal		Rs.41,98,960/-
Enhanced amount of compensation	Rs.41,98,960/- (awarded in appeal) – Rs.39,92,592/- (awarded by the Tribunal)	Rs.2,06,368/-



9. Appeal is allowed in above terms. Appellant shall also be entitled to interest @ 7.5% on enhanced amount. The apportionment and liability of respondents to pay compensation shall be as per award.

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

(PARMOD GOYAL)
JUDGE

19.01.2026
Sunil Chander

Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No