



FAO-398-2020(O&amp;M)

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

(127)

FAO-398-2020(O&amp;M)

Date of Decision-06.05.2026

Sukhwinder Kaur And Another

... Appellants

Versus

Phool Chand And Others

... Respondents

**CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Ms. Babita Gupta , Advocate  
for appellants

Mr. Vinod Gupta, Advocate  
for the respondent no.3-Insurance company

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**VIRINDER AGGARWAL, J.(ORAL)**

1. The present appeal has been preferred by the appellants/claimants seeking enhancement of the compensation awarded vide Award dated 09.09.2019 passed by the learned Motor Accident Claims Tribunal, Chandigarh, on account of the death of Paramjit Kaur in a motor vehicular accident which occurred on 02.05.2017.

**BACKGROUND FACTS**

2. The brief facts of the case are that on 02.05.2017, deceased Paramjit Kaur along with her sister Daljit Kaur had boarded Mini Bus bearing registration No. PB65-R-0665 for going to Banur. At about 9:00 A.M., when they alighted from the bus near Tax Barrier, Banur and the deceased started crossing the road towards Kharar side, respondent No.1 while driving the aforesaid bus in a rash and negligent manner moved the vehicle and the left side thereof struck against Paramjit Kaur, as a result whereof she fell on the road and sustained multiple grievous injuries. She was initially taken to Civil Hospital, Banur and thereafter referred to GMCH-32, Chandigarh and PGI, Chandigarh,



where she ultimately succumbed to the injuries on 06.05.2017. DDR No.12 dated 07.05.2017 was recorded with respect to the said accident on the statement of eye-witness Daljit Kaur. Upon appreciation of the oral as well as documentary evidence brought on record, the learned Tribunal awarded a total compensation of Rs.10,38,870/- along with interest @ 7.5% per annum from the date of filing of the claim petition till realization after deducting an amount of Rs.30,000/- alleged to have been paid towards treatment expenses. Aggrieved against the inadequacy of the compensation so awarded, the present appeal has been preferred by the appellants/claimants seeking enhancement thereof.

### **CONTENTIONS**

3. Learned counsel for the appellants contended that the compensation awarded by the learned Tribunal is inadequate and contrary to the settled principles governing grant of just compensation under the Motor Vehicles Act. It was submitted that the learned Tribunal erred in assessing the income of the deceased on the lower side by taking minimum wages and further wrongly deducted an amount of Rs.30,000/- from the awarded compensation. It was further argued that the amounts awarded under the conventional heads are inadequate. On these grounds, enhancement of compensation has been sought.

4. Learned counsel for the respondent-Insurance company supported the award of the learned Tribunal, contended that the award had been passed after a proper and thorough appreciation of the evidence on record and therefore, did not warrant any interference by this Court.

### **OBSERVATIONS AND FINDINGS**

5. I have heard learned counsel for the parties and perused the complete records. On due consideration of the findings recorded by the learned Tribunal,



particularly on the issue of negligence and fastening of liability, I find no reason to take a different view. The findings on those aspects are accordingly affirmed. However, the core issue arising in the appeal pertains to the reassessment of the quantum of compensation.

6. Compensation requires reassessment strictly in terms of the principles laid down by Hon'ble the Supreme Court in *National Insurance Co. Ltd. v. Pranay Sethi*, (2017) 16 SCC 680, *Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram*, 2018 (18) SCC 130 and *Sarla Verma v. DTC*, (2009) 6 SCC 121, wherein the framework for computation of "loss of dependency" by addition towards future prospects as per the nature of employment, deducting personal expenses of deceased, and applying appropriate multiplier on the basis of age of the deceased, and standardized amounts for conventional heads such as loss of estate, funeral expenses and loss of consortium, has been settled.

7. The present matter, therefore, calls for a limited reappraisal of the compensation awarded by the learned Tribunal. Though the learned Tribunal rightly assessed the income of the deceased on the basis of minimum wages applicable to an unskilled labourer, however, the monthly income ought to have been calculated for 26 working days instead of 25. Accordingly, the income of the deceased is required to be reassessed on the basis of minimum wages for 26 days prevailing at the relevant time. Further, the deduction of Rs.30,000/- made by the learned Tribunal from the awarded compensation is also unsustainable. Additionally, no amount has been awarded towards filial consortium to the mother of the deceased and therefore, she would also be entitled to compensation under the said conventional head in terms of the law laid down by the Hon'ble Supreme Court. Therefore, the reassessment is structured as



under:

**REASSESSED COMPUTATION**

| Particulars                                                          | Award by Tribunal (₹)                               | Reassessed Award (₹)                                |
|----------------------------------------------------------------------|-----------------------------------------------------|-----------------------------------------------------|
| Monthly Income                                                       | 7,275/-<br>(25 x 291)                               | 7,566/-<br>(26 x 291)                               |
| Income with Future Prospects (40%)                                   | 10,185/-                                            | 10,592/-<br>(7,566 + 3,026)                         |
| After Deduction (Unmarried)                                          | 5,092/-<br>(1/2 deducted towards personal expenses) | 5,296/-<br>(1/2 deducted towards personal expenses) |
| Annual Contribution to Family                                        | 61,110/-<br>(5,092 × 12)                            | 63,552/-<br>(5,296 × 12)                            |
| Multiplier (Age 26 years)                                            | 17                                                  | 17                                                  |
| Loss of Dependency                                                   | 10,38,870/-<br>(61,110 × 17)                        | 10,80,384/-<br>(63,552 × 17)                        |
| Filial Consortium (Mother)                                           | x                                                   | 40,000/-                                            |
| Funeral Expenses                                                     | 15,000/-                                            | 15,000/-                                            |
| Loss of Estate                                                       | 15,000/-                                            | 15,000/-                                            |
| Total                                                                | 10,68,870/-                                         | 11,50,384/-                                         |
| Less: Amount deducted by Tribunal towards alleged treatment expenses | 30,000/-                                            | x                                                   |
| Final Compensation                                                   | 10,38,870/-                                         | 11,50,384/-                                         |

8. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹10,38,870/- to ₹11,50,384/-. The enhanced amount shall carry interest at the rate of 7.0 % per annum from the date of filing of the claim petition till realization.

9. The appeal is accordingly allowed with modification of the award to the aforesaid extent. All other conditions of the award, not inconsistent with the



present judgment, shall remain unaltered.

10. Since the main case has been decided, pending miscellaneous application(s), if any, shall also stand disposed of.

06.05.2026  
Saurav Pathania

(VIRINDER AGGARWAL)  
JUDGE

- (i) Whether speaking/reasoned : Yes/No
- (ii) Whether reportable : Yes/No