



FAO-5931-2024(O&M)

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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

(139)

FAO-5931-2024(O&M)
Date of Decision-28.04.2026

NEERU AND OTHERS

... APPELLANTS

VERSUS

BALJEET KUMAR AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. C.S. Singhal, Advocate
for appellants.

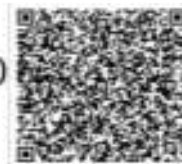
None for the respondents.

VIRINDER AGGARWAL, J.(ORAL)

1. The present appeal has been preferred by the claimants seeking enhancement of the compensation awarded vide award dated 28.08.2024 passed by the learned Motor Accident Claims Tribunal, Ambala, on account of the death of Rakesh Kumar in a motor vehicular accident.

BACKGROUND FACTS

2. The brief facts of the case are that on 01.11.2021 at about 4:30 p.m., Rakesh Kumar was travelling on a motorcycle along with Sukhdev Kumar and Om Parkash from Naraingarh towards Kala Amb. When they reached near Durga Colony, they met Ashok Kumar, elder brother of Sukhdev Kumar, who was on a separate motorcycle, and after a brief interaction, they all proceeded towards Kala Amb bus stand. In the meantime, their motorcycle was hit from behind by a truck bearing No. HP-17A-9394, driven rashly and negligently by respondent No.1, as a result of which all the occupants sustained grievous injuries. Sukhdev Kumar was declared dead, while Rakesh Kumar succumbed to his injuries on 09.11.2021 during treatment. FIR No.475 dated 01.11.2021



was registered at Police Station Naraingarh. Subsequently, the legal representatives of deceased Rakesh Kumar filed a claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of his death. Upon appreciation of the evidence on record, the learned Tribunal awarded a total compensation of ₹16,13,500/- along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realization, holding the driver and owner jointly and severally liable, with a direction to the insurer to pay and recover the amount.

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 determination of just compensation under the Motor Vehicles Act. It was submitted that the learned Tribunal erred in assessing income of the deceased, which resulted in reduction of the compensation. It was further argued the amounts awarded under the conventional heads are also inadequate. On these grounds, enhancement of the compensation has been sought.

OBSERVATIONS AND FINDINGS

4. I have heard the learned counsel 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.

5. Firstly, with regard to the income of the deceased, the claimants had pleaded that the deceased Rakesh Kumar was earning more than Rs.25,000/-



per month by working as a sweeper in the office of DSP, Naraingarh, and by doing additional work in the market. However, the widow of the deceased appeared as PW1 and in her cross-examination specifically admitted that her husband was a temporary employee and she received only Rs.12,000/- per month as salary from his office, which was the same amount he was getting during his lifetime. Further, the claimants placed on record the bank statement of the deceased (Ex.P14), but the same does not conclusively establish that the deceased was earning Rs.25,000/- or more per month on a regular basis. The learned Tribunal, after appreciating the oral and documentary evidence available on record, rightly assessed the monthly income of the deceased at Rs.9,800/- as per the prevailing minimum wages notification of the Haryana Government applicable to unskilled labourers at the relevant time. In the absence of any reliable documentary proof such as salary certificate, income tax returns or cogent evidence to substantiate the higher income claimed, the learned Tribunal was justified in not accepting the exaggerated claim of ₹25,000/- per month. The approach adopted by the learned Tribunal is in consonance with the settled principles of law and does not call for any interference by this Court. Accordingly, it is held that the learned Tribunal has rightly determined the monthly income of the deceased at Rs.9,800/-.

6. Further, 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. The present matter, therefore, call for recalculation of the amount under each of these heads by applying the correct deduction on basis of dependency and correct multiplier relatable to the age of the deceased and by granting the admissible sum towards consortium and other conventional heads as mandated in the aforesaid decisions. The reassessment is structured as under:

REASSESSED COMPUTATION

Particulars	Award by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	9,800/-	9,800/-
Income With Future Prospects (25%)	12,250/- (9,800 +2450)	12,250/- (9,800 + 2,450)
After Deduction (4 Dependents)	9188/- (1/4th for personal expense)	9,188/- (1/4th for personal expense)
Annual Contribution To Family	1,10,256 (9,188 x 12)	1,10,256/- (9,188 x 12)
Multiplier (age 42 yrs)	14	14
Loss Of Dependency	15,43,584 (1,10,256 x 14)	15,43,584/- (1,10,256 × 14)
Spousal Consortium	40,000/-	44,000/-
Parental Consortium		88,000/-
Filial Consortium		44,000/-
Funeral Expenses	15,000/-	16,500/-
Loss Of Estate	15,000/-	16,500/-
Total	16,13,500/-	₹17,52,584/-

7. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹16,13,500/- to ₹17,52,584/-. The enhanced amount shall carry interest at the rate of 7% per annum from the date of filing of the claim petition till realization. Except for the modification of the quantum of compensation, all



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other findings recorded by the learned Tribunal, including those with regard to negligence, liability and mode of disbursement, shall stand affirmed.

8. The appeal is accordingly partly **allowed** with modification of the award to the above extent. All other conditions of the award, not inconsistent with this judgment, shall remain unaltered.

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

28.04.2026
POONAM

(VIRINDER AGGARWAL)
JUDGE

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