2026:PHHC:074227

228 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3609-2002 WITH
FAO-3610-2002
FAO-3608-2002
Date of Decision: 12.05.2026

1. FAO-3609-2002

PARAWJIT KAUR AND OTHERS

....Appellants

Versus

ONKAR SINGH AND OTHERS

...Respondents

2. FAO-3610-2002

PARAWJIT KAUR AND OTHERS

....Appellants

Versus

ONKAR SINGH AND OTHERS

...Respondents

3. FAO-3608-2002

PARAWJIT KAUR AND OTHERS

....Appellants

Versus

ONKAR SINGH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Ms. Rashi Hooda, Advocate
Mr. Karanvir Hooda, Advocate
for the appellants.

Dr. D.S. Lamba, Additional Advocate General, Punjab and
Mr. G.S. Fateh, Senior Deputy Advocate General, Punjab.

PARMOD GOYAL, J. (ORAL)

Appellants-claimants have filed three appeals which are being taken up together as all the three claim petitions preferred by appellants/claimants were decided by common impugned award dated 28.09.2001, passed by learned Motor Accident Claims Tribunal, Ambala (hereinafter referred to as ‘Tribunal’). Appellants-claimants in FAO No.-231-1999 being the siblings and grandmother of deceased Ranam, aggrieved by the grant of compensation of Rs.1,00,000/- by Tribunal and have sought enhancement of compensation. Appellants-claimants in FAO No.-232-1999 being the children and mother of deceased Amritnam Singh are aggrieved by the grant of compensation of Rs.7,58,760/- by Tribunal and have sought enhancement of compensation. Appellants- claimants in FAO No.233-1999 being the children and mother-in-law of the deceased Mohinder Kaur are aggrieved by the grant of compensation of Rs.2,00,000/- by Tribunal and have sought enhancement of compensation.

2. Deceased Ranam, Amritnam Singh and Mohinder Kaur had died in motor vehicular accident which took place on 29.12.1998 on account of rash and negligent driving by respondent No.1 while driving Punjab Roadways bus bearing registration No. PB.12C-0833.

3. Since in present appeal the only issue raised by appellants-claimants is as regards to quantum of compensation and there is no appeal or cross-objection preferred by respondents to challenge manner of accident, the detailed facts as regards to manner of accident are not being noticed for the sake of brevity.

4. Appellants-claimants have sought enhancement in compensation. On the other hand, learned counsel for respondents has argued that sufficient amount has already been granted as compensation in

the present case and there is no scope of any enhancement.

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5. The Tribunal in the present case had awarded Rs.1,00,000/- in the claim petition filed by the brother, sister and grandmother of deceased Ranam.

6. Learned counsel for appellants-claimants has sought enhancement in compensation on following grounds that:-

- Income of deceased was not correctly taken. That the income of the deceased ought to have been taken by the learned Tribunal as per the minimum wages prevalent at the time of the accident.
- Future prospects were not added while determining loss of earning capacity. Future prospects to the extent 40% of monthly income needs to be added as the deceased was 15 years of age at the time of accident.
- Learned Tribunal has erred in not applying multiplier keeping in view age of the deceased to be ‘15’ years.
- Appropriate amount of compensation amount needs to be granted under the head funeral expenses, loss of estate and loss of filial and parental consortium in accordance with law laid down by Hon’ble Supreme Court.

7. In **Devendra Kumar Tripathi & Ors. Vs. The Oriental Insurance Company Ltd. & Anr.**, 2026 (1) DNJ 12, Hon’ble Supreme Court had held that in a case of minor child notional income needs to be determined as per minimum wages with 40% future prospects. Since the

deceased was 15 years of age at the time of accident multiplier of ‘15’ ought to be applied as per the mandate of Hon’ble Supreme Court in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, 2017 (16) SCC 680, wherein multiplier of ‘18’ for age group of 15 to 25 years was prescribed. Since, deceased was a minor at the time of accident, her notional income is taken as Rs.1,729/- per month (equivalent to minimum wages payable to unskilled workers in 1998).

8. Learned Tribunal has not made any addition towards future prospects. The deceased was 15 years of age, hence, as per the law laid down by supreme court in **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.**, 2017 (16) SCC 680, 40% towards future prospects needs to be taken in consideration while determining loss of dependency. Keeping in view the age of deceased, learned Tribunal ought to have applied multiplier of ‘18’ as mandated in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, (supra) and deduction of 50% is required to be made towards personal expenses of deceased as she was 15 years old and unmarried. Further compensation has to be granted under the head funeral expenses, loss of estate and loss of consortium. Therefore, appellant claimant would be entitled to Rs.7,500/- towards loss of estate and Rs.7,500/- towards funeral expenses. Since appellants/claimants are sister, brother and grandmother, no loss of consortium is payable.

9. Accordingly, the reworked compensation payable to appellants-claimants is as under :-

Income of deceased	Rs.1,729/- per month	Rs.1,729/- per month

Deduction	1/2 (1729-864)	Rs.865/-
Future Prospects	40% (865+346)	Rs.1,211/-
Multiplier	18	18
Total loss of dependency	Rs.1,211 x 18 x 12	Rs.2,61,576/-
Loss of estate		Rs.7,500/-
Funeral expenses		Rs.7,500/-
Compensation awarded by Tribunal	Rs1,00,000/-	
Compensation awarded in appeal		Rs.2,76,576/-
Enhancement of compensation	Rs.2,76,576/- (as awarded in appeal) - Rs.1,00,000/- (as awarded by Tribunal)	Rs.1,76,576/-

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10. The Tribunal in the present case had awarded the following compensation in the claim petition filed by three children and mother of deceased, Amritnam Singh:

Income of deceased	Rs.6,874/- per month
Deduction	1/3rd
Multiplier	15
Total loss of dependency	Rs.7,52,760/- (Rs.4,182 x 12 x 15)
Funeral Expenses	Rs.6,000/-
Total compensation awarded	Rs.7,58,760/-

11. Learned counsel for appellants-claimants has sought enhancement in compensation on following grounds that:-

- Future prospects were not added while determining loss of dependency. Future prospects to the extent 25% of monthly income needs to be added as the deceased was 44 years of age at the time of accident.

- Deduction towards personal expenses of deceased was taken as 1/3rd instead of 1/4th as the deceased is survived by three children and mother.
- Appropriate amount of compensation amount needs to be granted under the head funeral expenses, loss of estate and loss of filial and parental consortium in accordance with law laid down by Hon'ble Supreme Court.

12. In the present case, since no challenge has been made by the learned counsel for the appellant-claimant to the income of the deceased as assessed by the Tribunal, the same is accordingly upheld. Appellants/claimants have duly proved that deceased was working in Telecom department by examining PW-8 and by proving salary certificate Ex.PD which shows salary of deceased to be Rs.6,874/-. Since the deceased was 44 years of age at the time of accident, multiplier of '14' would be applicable. The Tribunal has not made any addition towards loss of future prospects. Since the deceased in the present case was 44 years of age and was in permanent Government service, an addition of 30% would be applicable. The deduction at the rate of 1/3rd has also been wrongly made the deduction ought to have been 1/4th as the deceased is survived by 4 dependents. In the present case the appellants-claimants shall also be entitled to compensation of Rs.7,500/- towards funeral expenses, Rs.7,500/- loss of estate and Rs.15,000/- to each of the appellants-claimants towards parental and filial consortium.

13. Accordingly, the reworked compensation to which the claimants–appellants are entitled to is as under :-

Income	Rs.6,874/- per month	Rs.6,874/-
Future Prospects	30% (6874+2062)	Rs.8,936/-
Deduction	1/4th (8936-2234)	Rs.6,702/-
Multiplier	14	14
Total loss of dependency	Rs.6,702 x 12 x 14	Rs.11,25,936/-
Loss of Estate		Rs. 7,500/-
Funeral Expenses		Rs. 7,500/-
Loss of filial consortium to claimant Nos.1, 2 & 3	Rs. 15,000/- x 3	Rs.45,000/-
Loss of parental consortium to claimant No.4		Rs.15,000/-
Total Compensation awarded in appeal		Rs.12,00,936/-
Total Compensation awarded by the Tribunal	Rs.7,58,760/-	
Enhanced amount of compensation	Rs.12,00,936/- (awarded in appeal) – Rs.7,58,760/- (awarded by the Tribunal)	Rs.4,42,176/-

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14. The Tribunal in the present case had awarded the following compensation in the claim petition filed by three children and mother-in-law of deceased Mohinder Kaur :-

Income of deceased	Rs.1,500/- per month
Deduction	1/3rd
Multiplier	16
Total loss of dependency	Rs.1,92,000/-
Funeral Expenses	Rs.8,000/-
Total compensation awarded	Rs.2,00,000/-

15. Ld. Counsel for appellant-claimants has sought enhancement in compensation on following grounds that :

- Income of deceased was not correctly taken. That the income of the deceased ought to have been taken as Rs,20,000/- by the learned Tribunal as the deceased was running a business of contractorship in the name and style of M/s S.S. Enterprises Ambala Cantt.
- Future prospects were not added while determining loss of dependency. Future prospects to the extent 40% of monthly income needs to be added as the deceased was 37 years of age at the time of accident.
- The deduction towards personal expenses of the deceased ought to be 1/4th keeping in view the number of dependents to determine loss of dependency.
- Appropriate compensation amount needs to be granted under the head loss of consortium, funeral expenses and loss of estate in accordance with law laid down by Hon’ble Supreme Court.

16. As per case of appellants-claimants deceased who was 37 years old at the time of accident, was earning Rs.20,000/- per month by doing business of contractorship in the name and style M/s S.S. Enterprises Ambala Cantt along with other partners. However, except for oral assertions nothing has been brought on record to show the vocation and income of the deceased. No partnership, income tax returns, registration of firm or accounts have been produced. In absence of any cogent evidence to show

income and vocation, notional income of the deceased based upon minimum wages prevalent at the time of accident has to be taken. The learned tribunal has taken the income of the deceased as Rs.1,500/- per month. However, the income of the deceased ought to have been taken as per minimum wages payable to unskilled worker prevalent at the time of the accident, by taking deceased to be housewife.

17. Merely because deceased was housewife, her contribution towards family cannot be considered any lesser than an earning member. A housewife contributes immensely towards the welfare of family and her contribution cannot be less than an earning member, who would have earned and contributed to the family in cash. This view of mine find support from **Kirti Singh and Anr. Vs. Oriental Insurance Company Ltd.,** 2021 (1) RCR (Civil) 478. The deceased in the present case was 37 years of age and assumed to be a home-maker. The minimum wage for an unskilled worker prevailing at the time of the accident was admittedly Rs.1,729/- per month. In present case, future prospects have not been granted by learned Tribunal. The appellants-claimants are entitled to future prospects to the extent of 40% as deceased was 37 years. The number of claimants survived by deceased are four hence, 1/4th deduction would be applicable to determine the loss of dependency. The multiplier in present case needs to be taken as per age of deceased, which was 37 years and accordingly multiplier of ‘15’ would be appropriate instead of ‘16’ as awarded by the Tribunal. Further, the compensation awarded under the conventional heads and under the head ‘loss of consortium’ is not just and sufficient and needs to be enhanced. Appellants-claimants would be entitled to Rs.7,500 towards loss of estate

and Rs.7,500/- towards funeral expenses and the Rs.15,000 each towards loss of parental consortium.

18. Accordingly, reworked compensation to which appellants/ claimants are entitled to is as under :-

Income of deceased	Rs.1,729/- per month (as per minimum wages)	Rs.1,729/- per month
Future Prospects	40% (1,729 + 692)	Rs.2,421/-
Deduction	1/4th (2,421-605)	Rs.1,816/-
Multiplier	15	15
Total loss of dependency	Rs.1,816 x 15 x 12	Rs.3,26,880/-
Loss of estate		Rs.7,500/-
Funeral expenses		Rs.7,500/-
Loss of parental consortium to claimant Nos.1 to 3	Rs.15,000 x 3	Rs.45,000/-
Compensation awarded in appeal		Rs.3,86,880/-
Compensation awarded by Tribunal	Rs.2,00,000/-	
Enhancement of compensation	Rs.3,86,880/- (awarded in appeal) – Rs.2,00,000/- (awarded by Tribunal)	Rs.1,86,880/-

19. In all the three appeals, appellant(s)-claimant(s) shall also be entitled to enhanced compensation along with 7.5% interest from the date of filing of claim petitions till its realization. The apportionment and liability of respondents to pay compensation shall be as per award.

20. Appeals are accordingly allowed in above terms.

21. Pending application(s), if any, is/are disposed of accordingly.

(PARMOD GOYAL)
JUDGE

12.05.2026
chiranjeev

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No