



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

FAO-4457-2004 WITH
FAO-4456-2004 (O&M)
Date of Decision: 08.07.2026

1. FAO-4457-2004

ARUNA AND ORS

...Appellants

Versus

MEHAL SINGH AND ORS

...Respondents

2. FAO-4456-2004

JASMER SINGH

...Appellant

Versus

MEHAL SINGH AND ORS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ram Bilas Gupta, Advocate
for the appellants.

Mr. Amit Kumar Goyal, Advocate
for respondent No.3.

PARMOD GOYAL, J. (ORAL)

Admittedly in the present appeals, liability fixed by learned Tribunal was primarily on insurance company as it was respondent No.3- insurance company who was supposed to indemnify respondents No.1 & 2. In view of these facts, especially when insurance company has not challenged its liability as fixed by learned Tribunal by way of cross-objections or appeal, service upon respondents No.1 and 2 at this stage is dispensed with.



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2. Present appeal has been preferred by the appellants-claimants who are wife and two minor sons of Om Prakash (hereinafter referred to as the 'deceased'), who died in motor vehicular accident which took place on 01.02.2002, on account of rash and negligent driving by respondent No.1 while driving truck bearing registration No. HR-38F-2729, being aggrieved by the insufficient compensation of Rs.3,94,000/- awarded vide impugned award dated 23.02.2004, passed by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'Tribunal'), being not in accordance with their entitlement.

3. In present case, learned Tribunal had awarded the following compensation :-

Income	Rs.3,000/- per month
Deduction	1/3 rd
Multiplier	16
Loss of dependency	Rs.3,84,000/-
Loss of spousal consortium	Rs.5,000/-
Last Rites	Rs.5,000/-
Total compensation awarded	Rs.3,94,000/-

4. In the present case, no dispute as regards to income of deceased taken by learned Tribunal is being raised by learned counsel for appellants/claimants though appellants/claimants had taken the plea that deceased owned 10 acres of land and was an agriculturist earning Rs.8,000/- per month. However, in absence of any cogent reliable evidence in this

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regard, income taken by learned Tribunal has been fairly accepted by learned counsel for appellants/claimants. As per postmortem report which was available on record, deceased was shown to be 35 years old at the time of accident and no other document is available on record to show age of the deceased. Learned Tribunal after noting the contents as well as age of deceased mentioned in postmortem report took age of deceased to be 36 years old at the time of accident. However, this cannot be accepted as once learned Tribunal has taken note of postmortem report and there is no other evidence available to conclude age more than 35 years, learned Tribunal ought to have taken the same instead of fixing age of deceased as 36 years without there being any basis. Accordingly, age of deceased is taken as 35 years at the time of accident. In view of the fact that deceased was 35 years old, multiplier of '16' would be applicable which has been duly applied by learned Tribunal. It is also not in doubt that deceased is survived by three dependents i.e. wife and two minor children, therefore, 1/3rd towards personal expenses is liable to be deducted for calculating loss of dependency. Accordingly, compensation needs to be redetermined. Since there is no doubt that deceased was less than 40 years at the time of accident, therefore, future prospects equivalent to 40% of income of deceased needs to be added while calculating loss of dependency which learned Tribunal has not taken. It is also held that while calculating loss of dependency 40% of income shall be taken towards future prospects. Appellants/claimants are also entitled to compensation under conventional heads i.e. Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of income and



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Rs.40,000/- to claimant No.1 towards spousal consortium and Rs.40,000/- each to claimants No.2 and 3 towards parental consortium. It is however made clear that in case Hon'ble Supreme Court answer the reference regarding quantum of compensation under conventional head made in **Hasina Yasmin & Ors. Vs. National Insurance Co. Ltd.**, 2025 SCC Online SC 2919 in favour of appellants, appellants shall be free to seek said amount by moving appropriate application in this regard.

5. Accordingly, reworked compensation awarded is as under :-

Income	Rs.3,000/- per month	Rs.3,000/- per month
Future Prospects	40% (3000+1200)	Rs.4,200/-
Deduction	1/3 rd (4200-1400)	Rs.2,800/-
Multiplier	16	16
Total loss of dependency	Rs.2,800x12x16	Rs.5,37,600/-
Loss of Estate		Rs.15,000/-
Funeral Expenses		Rs.15,000/-
Loss of spousal consortium to claimant No.1		Rs.40,000/-
Loss of parental consortium to claimant Nos.2 & 3	Rs.40,000/-x2	Rs.80,000/-
Total Compensation awarded by Tribunal	Rs.3,94,000/-	
Total Compensation awarded in Appeal		Rs.6,87,600/-
Enhancement in compensation	Rs.6,87,600/- (as awarded in appeal)- Rs.3,94,000/- (As awarded by Tribunal)	Rs.2,93,600/-

6. Appellants/claimants shall be entitled to enhanced compensation along with 7.5% interest from the date of filing of claim

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petition till realization of entire amount except under the conventional heads i.e. loss of consortium, funeral expenses and loss of estate. Under conventional heads interest shall be payable from August 2017 onwards till its realization. Apportionment and liability to pay compensation shall be as per award.

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7. In the present case, appellant/claimant has sought enhancement of compensation on account of damage to his vehicle bearing No. DL-32F-3416.

8. It is the case of appellant/claimant that in the accident dated 01.02.2002 his vehicle was damaged beyond repair. In order to prove damage to the vehicle, appellant/claimant had examined Ajay Gulati, Works Manager from Metro Motors, Karnal who had inspected the Jeep on 15.05.2003 which was lying in police station Sadar, Karnal and had prepared estimate of damage suffered by said vehicle in the amount of Rs.2,52,853.22/-. On the other hand, insurance company has placed reliance upon report of RW-2 Surveyor, appointed by insurance company who had quantified the damage to be Rs.1,34,36.25/- by taking value of second hand parts instead of new parts. It is worth noticing that witness examined by appellant/claimant in his cross-examination had fairly admitted that market value of 1999 model Jeep was about Rs.1,50,000/-. Since the vehicle was totally damaged, therefore, value for which similar vehicle could have been purchased by appellant/claimant ought to have been awarded.

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9. Accordingly, award is modified. It is held that appellant/claimant is entitled to compensation of Rs.1,50,000/- towards total damage to the vehicle. The salvage value of the vehicle shall also be payable to the appellant/claimant. Appeal preferred by appellant/claimant is accordingly allowed to above terms.

10. Appellants-claimants shall be entitled to enhanced compensation along with 7.5% interest from the date of filing of claim petition till realization of enhanced amount. Apportionment and liability to pay compensation shall be as per award.

11. Present appeal is allowed in above terms.

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

08.07.2026
chiranjeev

(PARMOD GOYAL)
JUDGE

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