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

**209** **FAO-4258-2002(O&M)**
**Date of Decision: 24.04.2026**

Harjit Kaur and Ors. ...Appellants

Versus

Vishal Singh and Another ... Respondents

**CORAM : HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL**

Present: Mr. Vikas Mohan Gupta, Advocate, and
Mr. Vineet Jain, Advocate, and
Ms. Tanvi Aggarwal, Advocate,
for the appellants.

Mr. A.S. Sidhu, Advocate
for respondent No.2-Insurance Company. (through VC)

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**AMARINDER SINGH GREWAL, J. (ORAL)**

1. The present appeal has been filed by the claimants-appellants seeking enhancement of compensation awarded by the learned Motor Accident Claims Tribunal, Mansa (hereinafter referred to as 'the learned Tribunal'), vide award dated 02.05.2002. The learned Tribunal awarded a sum of ₹2,03,600/- with 9 % interst p.a., on account of the death of Gurmeet Singh in a motor vehicular accident involving Jeep No. RJV-5267, which occurred on the night of 28.06.2000 due to rash and negligent driving of respondent No.1.

2. Learned counsel for the appellants–claimants submits that the impugned award is wholly inadequate and calls for enhancement. It is contended that the learned Tribunal has erred in assessing the monthly income of the deceased, Gurmeet Singh, at a meagre sum of ₹2,100/-, treating him as a mere skilled labourer, despite cogent evidence on record indicating that the deceased was earning ₹3,500/- per month. It is further

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urged that the learned Tribunal has incorrectly applied the multiplier of 12, whereas, considering that the deceased was 38 years of age at the time of the accident, the appropriate multiplier ought to have been higher. Additionally, it is submitted that no addition towards future prospects has been made, nor has just and reasonable compensation been awarded under the conventional heads, future income and loss of life. On the aforesaid premises, it is prayed that the compensation awarded by the learned Tribunal be suitably enhanced in accordance with law.

3. *Per contra*, learned counsel appearing on behalf of respondent No.2–insurance company contends that the award passed by the learned Tribunal is just and reasonable and calls for no interference. It is submitted that the income has been rightly assessed in the absence of cogent evidence, the multiplier applied is appropriate, and the compensation awarded under the conventional heads is in accordance with law. It is, thus, prayed that the present appeal be dismissed.

4. I have heard learned counsel for the parties and perused the record with their able assistance. Upon a perusal of the record, this Court finds that the compensation awarded is not 'just' and suffers from manifest legal errors.

5. The primary issue that arises for consideration is with regard to the determination of the income of the deceased. The appellants produced AW-2 Dr. Harminderjit Kaur who further produced carbon copies of Income Tax Returns (Ex. A-1 to Ex. A-3) for the years 1999–2001 to support the plea that the deceased was employed as a driver-cum-pharmacist. However, the said documents merely reflect the income of the establishment and do

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not establish payment of any salary to the deceased. No corroborative evidence, such as an appointment letter, salary register or proof of payment, has been adduced. The claim that the deceased was working as a pharmacist is, thus, rightly disbelieved in the absence of any qualification, diploma or licence. Though, from the statement of AW-3 Gurdarshan Singh, it has come on record that the deceased was working as a driver, the said assertion also remains unsubstantiated for want of documentary evidence such as a driving licence or proof of employment. In these circumstances, the occupation and income of the deceased cannot be determined with precision. The Tribunal assessed the income at ₹2100/- per month. Though no specific basis has been indicated, the said figure broadly corresponds to the minimum wages prevailing at the relevant time. In the absence of better evidence, the assessment does not warrant interference and is upheld as a reasonable notional determination of income.

6. The Post Mortem Report (**Ex. A-5**) proved the age of the deceased as 38 years. As per the mandate of ***Sarla Verma Vs. Delhi Transport Corporation (2009) 6 SCC 121,*** the appropriate multiplier for the age group of 36-40 is 15. The learned Tribunal committed a manifest error by applying a multiplier of 12, which resulted in a significant under-calculation of the loss of dependency. The learned Tribunal further erred by not granting any addition toward future prospects. In view of ***National Insurance Co. Ltd. Vs. Pranay Sethi (2017) 16 SCC 680,*** an addition of 40% must be made to the established income of the deceased, considering he was 38 years of age and was in a fixed-salary employment. The deceased is survived by three dependents (widow, son, and mother-in-law). Thus, the

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deduction of 1/3rd toward personal expenses is upheld. However, the conventional heads awarded (₹2,000/- for funeral expenses) are contrary to the current standards. Following ***Pranay Sethi (supra) and Magma General Insurance (2018),*** the claimants are entitled to ₹48,400/- each for loss of consortium, and ₹18,150/- for loss of estate and funeral expenses each. These amounts include the mandatory 10% escalation every three years as per the law laid down by the Hon'ble Supreme Court in Pranay Sethi's case (supra).

7. Taking the monthly income of the deceased as ₹2,100/- and adding 40% towards future prospects (₹840/-), the total monthly income is assessed at ₹2,940/-. After making a deduction of 1/3rd (₹980/-) towards personal expenses, the monthly dependency comes to ₹1,960/-, making the annual dependency (1960*12) ₹23,520/-. By applying a multiplier of 15 suitable to the age of the deceased, the total loss of dependency is calculated at ₹3,52,800/-. In addition thereto, the claimants are entitled to ₹1,45,200/- towards loss of consortium (₹48,400/- each to the three claimants) and ₹18,150/- towards funeral expenses and loss of estate each, incorporating the 10% escalation every three years as per the law laid down by the Hon'ble Supreme Court in Pranay Sethi's case (supra). Thus, the total compensation payable to the appellants works out to ₹5,34,300/-.

8. The enhanced compensation, i.e. over and above the compensation awarded by the learned Tribunal, shall also carry interest @7.5% per annum from the date of filing of the claim petition till its realization, payable by the respondent No. 2 to the appellants-claimants in equal ratios.

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9. In view of the aforesaid facts and circumstances, the award passed by the learned Tribunal is modified and the present appeal is allowed to the above extent.

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

**(AMARINDER SINGH GREWAL)**
**JUDGE**

**April 24, 2026**
*Vibhakti/Shubham*

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