



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

(220)

FAO No. 829 of 2005 (O&M)**Date of Decision: 20.04.2026**

Rekha Devi and others

...Appellants

Versus

Kuldeep Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Sagar Aggarwal, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for the respondent- Insurance Company.

VIRINDER AGGARWAL, J. (Oral)

1. The present appeal has been filed by the appellants-claimants assailing the award dated 28.10.2004 passed by the learned Motor Accident Claims Tribunal, Karnal, whereby the claim petition instituted under Section 166 and 140 of the Motor Vehicles Act, 1988 on account of the death of Gurdev Singh in a motor vehicular accident was partly allowed and compensation of ₹4,83,000/- along with interest @ 9% per annum was awarded.

BACKGROUND FACTS

2. The case set up by the appellants-claimants before the learned Tribunal was that on 04.09.2002, deceased Gurdev Singh was travelling in Swaraj Mazda bearing registration No. HR-55-5789 in the early morning hours while proceeding towards Amritsar. It was alleged that when the said vehicle reached near the petrol pump of Lal Singh on G.T. Road, Gharaunda, a trailer bearing registration No. PB-13H-2555, being driven by its driver in a rash and negligent manner and in a zig-zag fashion, suddenly turned right while the Swaraj Mazda was in the process of overtaking it. As a result of the said manoeuvre, the Swaraj Mazda dashed into the trailer, causing fatal injuries to Gurdev Singh,



who succumbed to the same at the spot. In the claim petition, it was stated that the deceased was employed with DTDC Courier Company and was earning about ₹5,500/- per month and was the sole breadwinner of the family. Claimant No.1 Rekha Devi is the widow of the deceased, Claimant No.2 to 4 are his minor children and Claimant No.5 is his mother, all of whom were dependent upon his income. On these premises, the claimants sought compensation to the tune of ₹10,00,000/- from the drivers, owners and insurers of both the vehicles.

3. Upon appreciation of the oral and documentary evidence on record, the learned Motor Accident Claims Tribunal concluded that the accident in question was the result of **negligence of both the drivers**, i.e. the driver of trailer bearing registration No. PB-13H-2555 and the driver of Swaraj Mazda bearing registration No. HR-55-5789, and apportioned negligence to the extent of **50% each**. The learned Tribunal disbelieved the income of the deceased as stated by the claimants on the basis of the salary certificate, holding that the same was not duly proved, and instead assessed the income of the deceased at ₹3000 per month. Applying the multiplier and making deductions, the Tribunal computed the compensation at **₹4,83,000/-** along with interest @ 9% per annum from the date of filing of the claim petition. Accordingly, the claim petition was partly allowed. Aggrieved by the quantum of compensation and findings recorded by the learned Tribunal, the present appeal has been preferred by the claimants.

CONTENTIONS

4. Assailing the impugned award, learned counsel for the appellants-claimants contends that the learned Tribunal has gravely erred in discarding the salary certificate and in assessing the income of the deceased on a notional and arbitrary basis, thereby awarding wholly inadequate compensation without granting future prospects or appropriate amounts under conventional heads in



accordance with settled principles. It is further contended that the learned Tribunal has failed to apply the correct multiplier commensurate with the age of the deceased and has made improper deductions while computing the loss of dependency, resulting in substantial reduction of the just compensation payable to the claimants. On these premises, it is prayed that the impugned award be modified by suitably enhancing the compensation.

5. Per contra, learned counsel appearing on behalf of the respondent-Insurance Company supports the impugned award and submits that the learned Tribunal has rightly appreciated the evidence on record and has correctly held the case to be one of composite negligence, apportioning liability between both the vehicles involved in the accident. It is further contended that the income of the deceased was not proved by any reliable documentary evidence and, therefore, the learned Tribunal was justified in assessing the same on a notional basis. Learned counsel submits that the compensation awarded is just, fair and reasonable and does not call for any enhancement. On these premises, it is prayed that the present appeal be dismissed.

OBSERVATIONS AND FINDINGS

6. I have heard the learned counsel for the parties. The findings recorded by the learned Tribunal, particularly on the issue of negligence and fastening of liability are not assailed before this court, accordingly 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 quantum of compensation.

7. 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, calls for recalculation of the amount under each of these heads by applying the correct deduction on basis of dependency and by granting the admissible sum towards consortium and other conventional heads as mandated in the aforesaid decisions.

8. In the present case, the official of the employer produced the salary certificate of the deceased as Mark A which was ignored by learned Tribunal by stating that it is not duly proved. However, the learned Tribunal fell in error by doing so as it is well settled that the proceeding before the motor accident claim tribunal are not adversarial in nature and strict rules of CPC and evidence are not applicable. Moreover, when the same remained unrebutted and no contrary evidence was led by the respondents. Therefore, the income of the deceased Gurdev Singh is taken as ₹5,500/- per month as stated in the salary certificate. Further, the age of the deceased is taken as 28 years, as borne out from the record and ground of appeal, for the purpose of determining the appropriate multiplier and computation of just compensation. The reassessment is structured as under:

REASSESSED COMPUTATION

Particulars	Award by Tribunal (₹)	Reassessed Award (₹)
Monthly Income	3,000/-	5,500/-



Income With Future Prospects (40%)	x	7,700/- (5,500 + 2,200)
After Deduction (5 Dependents)	2333/-	5775/- (1/4th for personal expense)
Annual Contribution To Family	28,000/-	69,300/- (5,775 x 12)
Multiplier (Age 28 yrs)	17	17
Loss Of Dependency	4,76,000 (28,000x 17)	11,78,100/- (69,300 × 17)
Spousal Consortium	5,000	40,000/-
Parental Consortium (3 Children)	x	1,20,000/-
Filial consortium (Mother)	x	40,000
Funeral Expenses	2,000	15,000/-
Loss Of Estate	x	15,000/-
Total	4,83,000/-	₹14,08,100/-

9. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹4,83,000/- to **₹14,08,100/-**. The enhanced amount shall carry the interest at rate of 7% per annum from the date of filing of the claim petition till realization.

10. Accordingly, the appeal is **allowed** with modification of the award to the above extent. All other conditions of the award, not inconsistent with this judgment, shall remain unaltered. The liability and apportionment of compensation shall remain as determined by the learned Tribunal.

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

(VIRINDER AGGARWAL)
JUDGE

20.04.2026
Saurav Pathania

Whether reasoned / speaking? Yes / No
Whether reportable? Yes / No