



FAO-2532-2016

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

FAO-2532-2016 (O&M)
Reserved on : 06.04.2026
Pronounced on : 10.04.2026
Uploaded on : 10.04.2026

Harpreet Kaur and another

...Appellants

Versus

Sukhdev Singh and another

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Monika Jalota, Advocate,
for the appellants.

Mr. Nigam K. Bhardwaj, Advocate with
Ms. Tanu, Advocate,
for respondent No.2.

HARPREET KAUR JEEWAN, J.

1. Appellant-claimants are seeking enhancement of the compensation amount awarded by the Motor Accident Claims Tribunal, Patiala (*hereinafter referred to as the 'Tribunal'*), seeking enhancement of compensation awarded regarding the death of Surinder Singh (*since deceased*), in a roadside accident, which took place on 02.05.2012.

2. The Tribunal vide Award dated 01.12.2015, awarded compensation of Rs.5,25,000/- to the claimants, holding that the deceased died due to the road-side accident which was a result of rash and negligent driving of the truck bearing registration No.RJ-13-GA-0351, by respondent No.1.



FAO-2532-2016

2.1 The Tribunal considered the age of the deceased as 71 years; assessed the income of the deceased as Rs.7,500/- per month, and the insurance company of the offending truck was ordered to pay compensation to the appellant-claimants in the following manner:-

Sr. No.	Heads	Compensation Awarded
1.	Annual income	Rs. 90,000/- (7500 X 12)
2.	Deduction towards personal expenses @ 1/3 rd	Rs.60,000/- (90,000 – 30,000)
3.	Multiplier	5
4.	Loss of dependency	Rs.3,00,000/- (60,000 X 5)
5.	Loss of consortium	Rs.1,00,000/-
6.	Funeral expenses	Rs.25,000/-
7.	Loss of love and affection	Rs.1,00,000/-
	Total :	Rs.5,25,000/-

2.2 The present appeal, filed by the claimants seeking enhancement, has been contested by the insurer of the offending vehicle.

3. The solitary point raised by learned counsel for the appellants is that while calculating the compensation on account of loss of dependency, future prospects of the deceased have not been considered. Cites **Rajesh and others Vs. Rajbir Singh and others, 2012(2) Apex Court Judgments 245 (SC).**

4. *Per contra*, learned counsel appearing on behalf of respondent No.2-insurer contends that keeping in view the age of the deceased, i.e. 71 years at the time of the accident, future prospects are not admissible.



FAO-2532-2016

5. I have heard learned counsel for the parties and perused the paper book.

6. It is not disputed that the date of birth of the deceased is recorded as 23.01.1941 in the pension papers (Ex.P-4) and as such, his age was 71 years at the time of the accident. The issue with regard to admissibility of 'future prospects' while calculating loss of dependency has been elaborately dealt with by the Five-Judge Bench of the Hon'ble Supreme Court in *National Insurance Co. Ltd vs Pranay Sethi on 31 October, 2017, 2017 (16) SCC 680*, and relevant part of the judgment reads as follows:

"58. The controversy does not end here. The question still remains whether there should be no addition where the age of the deceased is more than 50 years. Sarla Verma thinks it appropriate not to add any amount and the same has been approved in Reshma Kumari. Judicial notice can be taken of the fact that salary does not remain the same. When a person is in a permanent job, there is always an enhancement due to one reason or the other. To lay down as a thumb rule that there will be no addition after 50 years will be an unacceptable concept. We are disposed to think, there should be an addition of 15% if the deceased is between the age of 50 to 60 years and there should be no addition thereafter. Similarly, in case of self-employed or person on fixed salary, the addition should be 10% between the age of 50 to 60 years. The aforesaid yardstick has been fixed so that there can be consistency in the approach by the tribunals and the courts."

7. In view of the ratio of the aforesaid decision, it is clear that no enhancement on account of future prospects is admissible where the deceased was more than 60 years of age.

**FAO-2532-2016**

8. In view of the above discussion, no case for enhancement of compensation is made out and as such, present appeal is hereby dismissed.

9. Pending Miscellaneous Application(s), if any, shall also stand disposed of.

10.04.2026*atulsethi***[HARPREET KAUR JEEWAN]
JUDGE**

Whether speaking / reasoned :
Whether Reportable :

Yes	No
Yes	No