IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(133) **FAO-403-2020(O&M)**
Date of Decision-12.05.2026

Manju Bala And Others … Appellants

Versus

Ishrar Ali And Others … Respondents

CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL

Present: Mr. Arun Sharma, Advocate
for appellants.

Mr. Punit Jain, Advocate
for respondent No.3.

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VIRINDER AGGARWAL, J.(ORAL)

1. The present appeal has been preferred by the claimants seeking enhancement of the compensation awarded vide award dated 07.01.2019 passed by the learned Motor Accident Claims Tribunal, Yamunagar at Jagadhri, on account of the death of Raj Kumar in a motor vehicular accident.

BACKGROUND FACTS

2. The brief facts of the case are that on 03.07.2017 at about 4:15 p.m., Raj Kumar was returning to his village Dharamkot from Jaidhri on motorcycle No. HR-02-AA-2553, while his cousin's brother was following him on a separate motorcycle. When Raj Kumar reached near the Government Tubewell Water House of village Jaidhri, car No. CH-01-AD-2896, being driven by respondent No.1 at a high speed and in a rash and negligent manner, came from the side of village Harewa and struck the motorcycle driven by the deceased. Due to the forceful impact, Raj Kumar along with his motorcycle fell on the road and was run over by the offending car, resulting in his death at the spot. In respect of the

said accident, FIR No.141 dated 04.07.2017 was registered at Police Station Chhachhrauli. Thereafter, the legal representatives of deceased Raj Kumar instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of his death. Upon appreciation of the oral and documentary evidence brought on record, the learned Tribunal awarded a total compensation of ₹13,74,184/- along with interest @ 8% per annum from the date of filing of the claim petition till realization, while holding all the respondents jointly and severally liable.

CONTENTIONS

3. Learned counsel for the appellants contended that the compensation awarded by the learned Tribunal is inadequate and contrary to the settled principles governing determination of just compensation under the Motor Vehicles Act. It was submitted that the learned Tribunal erred in assessing income of the deceased , which resulted in reduction of the compensation. It was further argued the amounts awarded under the conventional heads are also inadequate. On these grounds, enhancement of the compensation has been sought.

4. Learned counsel for the respondent No.3 supported the award of the learned Tribunal, contended that the award had been passed after a proper and thorough appreciation of the evidence on record and therefore, did not warrant any interference by this Court.

OBSERVATIONS AND FINDINGS

5. I have heard learned counsel for the parties and perused the complete records. On due consideration of the findings recorded by the learned Tribunal, particularly on the issue of negligence and fastening of liability, 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 reassessment of the quantum of compensation.

6. Firstly, with regard to the income of the deceased, the claimants had pleaded before the learned Tribunal that the deceased Raj Kumar was earning more than Rs.20,000/- per month while working as a mason/contractor. However, except for the bald oral assertion made by claimant-Manju Bala while appearing as PW2, no cogent documentary evidence was produced on record to substantiate the alleged income of the deceased. After appreciating the oral as well as documentary evidence available on record, the learned Tribunal rightly observed that although the deceased was stated to be working as a mason/contractor, the asserted income could not be accepted in the absence of reliable proof. However, keeping in view the nature of work performed by the deceased and the prevailing minimum wages applicable at the relevant time, the income of the deceased ought to have been assessed on the basis of minimum wages applicable to a semi-skilled labourer in the State of Haryana. Since the deceased was working as a mason/contractor, which falls within the category of semi-skilled employment, his monthly income is liable to be assessed at Rs.9,100/- per month (approximately) as per the prevailing minimum wages notification applicable at the time of the accident. Accordingly, the income assessed by the learned Tribunal deserves suitable enhancement and the monthly income of the deceased is held to be Rs.9,100/- per month for the purpose of computation of compensation.

7. Further, with regard to the dependency of the deceased, the learned Tribunal has gravely erred in holding that the father of the deceased was not dependent upon the income of the deceased merely on the assumption that a father is presumed to have his own source of income and cannot be treated as a

dependent "unless he is a monk or beggar". Such a finding is contrary to the settled principles laid down by Hon'ble the Supreme Court in ***Sadhana Tomar v. Ashok Kushwaha 2025 SCC Online SC 554***, wherein the Tribunal had similarly excluded the father of the deceased from the category of dependents. Hon'ble the Supreme Court, while relying upon ***Gujarat SRTC v. Ramanbhai Prabhatbhai (1987) 3 SCC 234 and N. Jayasree v. Cholamandalam MS General Insurance Company Ltd. (2022) 14 SCC 712***, held that the expression "legal representative" under the Motor Vehicles Act deserves a liberal interpretation and that parents who were dependent upon the earnings of the deceased are entitled to be treated as dependents for the purpose of computation of compensation. The Hon'ble Supreme Court specifically held that the father and younger sister of the deceased, not being financially independent, were required to be considered as dependents and consequently held entitled to compensation. In the present case also, the learned Tribunal committed a patent illegality in excluding the father of the deceased from the category of dependents without there being any cogent evidence to establish that he was financially independent. The impugned finding, therefore, deserves to be set aside and the father of the deceased is liable to be treated as a dependent for the purposes of assessing loss of dependency and deduction towards personal expenses.

8. Further, 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, call for recalculation of the amount under each of these heads by applying the correct deduction on basis of dependency and correct multiplier relatable to the age of the deceased and by granting the admissible sum towards consortium and other conventional heads as mandated in the aforesaid decisions. The reassessment is structured as under:

<u>REASSESSED COMPUTATION</u>

Particulars	**Award by Tribunal (₹)**	**Reassessed Award (₹)**
Monthly Income	8,280/-	**9,100/-**
Income With Future Prospects (25%)	10,350/- (8,280 + 2,070)	**11,375/- (9,100 + 2,275)**
After Deduction (6 Dependents)	7,763/- (1/4th for personal expense)	**8,532/- (1/4th for personal expense)**
Annual Contribution To Family	93,156/- (7,763 x 12)	**1,02,384/- (8,532 x 12)**
Multiplier **(age 44 yrs)**	14	**14**
Loss Of Dependency	13,04,184/- (93,156 x 14)	**14,33,376/- (1,02,384 × 14)**
Spousal Consortium	40,000/-	**40,000/-**
Parental Consortium	x	**1,20,000/-**
Filial Consortium	x	**80,000/-**
Funeral Expenses	15,000/-	**15,000/-**
Loss Of Estate	15,000/-	**15,000/-**
Total	13,74,184/-	**₹17,03,376/-**

9. Resultantly, the compensation awarded by the learned Tribunal is enhanced from ₹13,74,184/- to **₹17,03,376/-**. The enhanced amount shall carry interest at the rate of 7% per annum from the date of filing of the claim petition

till realization. All the respondents are held jointly and severally liable to pay the aforesaid enhanced compensation to the claimants.

10. The appeal is accordingly partly **allowed** with modification of the award to the above extent. All other conditions of the award, not inconsistent with this judgment, shall remain unaltered.

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

(VIRINDER AGGARWAL)
JUDGE

12.05.2026
POONAM

(i)	*Whether speaking/reasoned*	:	*Yes/No*
(ii)	*Whether reportable*	:	*Yes/No*