



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

**FAO-6256-2011 (O&M)
Date of Decision: July 29, 2025**

Baldev Singh through LRs.

...Appellant

VERSUS

Surmukh Singh and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.R.S.Rangpuri, Advocate,
for the appellant.

Mr.Vinod Gupta and Mr.Didar Singh, Advocates
for respondent No.3.

ARCHANA PURI, J.

The present appeal has been filed by the appellant-claimant, thereby, questioning the adequacy of the compensation awarded by learned Motor Accident Claims Tribunal, on account of death of Devinder Singh, in a motor vehicular accident.

Suffice to consider that on 26.08.2006, Devinder Singh, while on motorcycle bearing registration No.PB-65C-2656 and his other friends Gurvinder Singh and Hirdey Pal Singh, while on separate motorcycle, were proceeding towards village Dhurali. When they crossed Bus stand Bathlana, Devinder Singh was at a distance of about 100 yards ahead of Gurvinder Singh. In the meanwhile, a Scorpio bearing registration No.PB-11Y-2772, came from the opposite direction, which was driven by respondent No.2-



Gurpreet Singh and it struck into the motorcycle of Devinder Singh, as a result whereof, Devinder Singh had fallen on the road and sustained fatal injuries.

On appraisal of the evidence, brought on record, learned Tribunal had concluded about the accident to have been caused, due to rash and negligent driving of the aforesaid Scorpio, driven by respondent No.2, on account of which, Devinder Singh received extensive injuries, which proved fatal.

Learned Tribunal had concluded about deceased Devinder Singh to be 35 years, at the time of accident, on the basis of the recitals of the service record, where date of birth of Devinder Singh is stated as 25.05.1971. He was observed to be working as JBT Teacher at Government Elementary School, village Manauli Surat, Block Banur, District Patiala, as per the service record proved by PW-6 Jaswinder Singh, Clerk and the earning of deceased was taken as Rs.12,400/-.

Considering the deceased to be in regular employment of Education Department, Punjab, on account of future prospects, addition to the extent of 50% was made and thus, his income was worked upon as $Rs.12400+6200=Rs.18,600/-$. The deduction, on the count of income tax was made to the extent of Rs.21,053/-. Since the deceased was bachelor, deduction on the count of 'personal and living expenses' was made, to the extent of 50% and the annual dependency was thus taken as Rs.1,01,073/-. To the said amount, considering the age of the claimant, who is father of the deceased, multiplier of '5' was applied and the compensation was worked upon as Rs.5,05,365/-. Besides the same, another amount of Rs.2000/- on



the count of 'funeral expenses' and Rs.2500/-, on the count of 'loss of estate', were also awarded. As such, the total compensation was worked upon as Rs.5,09,865/-.

Being aggrieved, only the appellant-claimant has filed the present appeal for seeking enhancement of the compensation.

The '**work on**' of the compensation aforesaid, is not as per settled prevalent law and calls for re-determination.

So far as, age of the deceased is concerned, from the service record proved by PW-6 Jaswinder Singh, Clerk, it is evident that the date of birth of Devinder Singh is 25.05.1971 and at the relevant time, he was about 35 years old. Also, it stands established the deceased was working as JBT Teacher, at the relevant time and his salary was Rs.12,400/- per month. Although, it is submitted by learned counsel for the appellant that PW-6 Jaswinder Singh has stated about the pay having been revised and stated about the deceased to have got salary of Rs.20,000/- per month, but there is nothing, as such, coming on record on this count. In fact, no break-up of the salary has been given. Even though, reliance is placed upon the service book, copy whereof, has been proved as Ex.P32, but however, this also does not state anywhere about the revised salary. It only contains a clause of the salary verified for the period from 01.04.2006 to 26.08.2006, which as per the service book, had been regularly done for the earlier times.

In the given circumstances, the salary, as such, is taken as Rs.12,400/- per month, annual whereof, comes to be Rs.1,48,800/-. As per *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, for the purpose of 'work on' of the



compensation, actual salary ought to be taken minus tax component. As per the tax slab, prevalent in the year 2006-2007, the income upto Rs.1,00,000/- was exempted from tax. However, from the income bracket of Rs.1,00,000-1,50,000/-, income tax payable was 10%. After deduction of Rs.1,00,000/-, the residue taxable amount works out to be Rs.1,48,800-1,00,000=Rs.48,800/- and thus, the income tax on this amount @ 10%, comes to be Rs.4880/-. Thus, the total tax payable, comes to be Rs.4880/-. After making deduction of the aforesaid extent of income tax amount, the residue annual income, comes out to be Rs.1,48,800-4880=**Rs.1,43,920/-**.

Considering the age of the deceased to be 35 years, addition of 50% ought to be made, on the count of 'future prospects', which comes to be Rs.71,960/-. After making such addition, the annual earnings of the deceased, comes to be Rs.2,15,880/-.

After making deduction to the extent of 50%, on the count of 'personal expenses', the residue earnings works to be Rs.1,07,940/-.

Now, catch lies in the application of the multiplier for assessment of the compensation. Learned Tribunal had erroneously applied the multiplier of '5', while considering the age of the claimant, who is father of the deceased. In fact, as per *Pranay Sethi's case (supra)*, it is the age of the deceased, which ought to be taken into consideration, while applying the multiplier. Considering the age of the deceased, as observed aforesaid, the suitable multiplier to be applied is '16'. Thus, by applying the same, the loss of dependency works to be Rs.1,07,940x16=**Rs.17,27,040/-**.

Besides the aforesaid, on the count of '**loss of consortium**', the appellant-claimant, is entitled to prevalent amount of Rs.48,400/- and he is



also entitled to compensation, on the counts of '**loss of estate**' as well as '**funeral expenses**', which is **Rs.18,150/-**, on each count.

Considering the same, the compensation payable to appellant-claimant (since deceased), on account of death of Devinder Singh, is re-computed, as herein given:-

| | | |
|---------------------------|----------|-----------------------|
| Loss of dependency | : | Rs.17,27,040/- |
| Loss of consortium | : | Rs.48,400/- |
| Loss of estate | : | Rs.18,150/- |
| Funeral expenses | : | Rs.18,150/- |
| Total | : | Rs.18,11,740/- |

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.18,11,740-5,09,865=Rs.13,01,875/-**. The same shall be disbursed to LRs of the appellant-claimant, in equal shares. On the enhanced amount of the compensation i.e. **Rs.13,01,875/-**, they shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation.

Accordingly, the impugned Award dated 30.04.2011 stands modified, to the extent, as indicated aforesaid. The residue terms of the Award, as ordered by learned Tribunal, shall remain the same.

In view of the aforesaid observations, the present appeal stands allowed.

July 29, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No