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

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FAO-2396-2003 with

FAO-2397-2003

Date of decision :23.09.2025

PIARA SINGH AND ANOTHER

... APPELLANTS

VERSUS

JASWANT SINGH AND ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Dharam Pal, Advocate
for the appellants.

Mr. Imran Ahmad, Advocate
for respondent No. 3-Insurance Company.

PARMOD GOYAL, J.

1. The present appeals have been filed by the appellants-claimants, Piara Singh and Sarabjit Kaur, in relation to the untimely death of Lakhbir Kaur (wife of Piara Singh and mother of Sarabjit Kaur) and minor Devinder Kaur (daughter of Piara Singh and sister of Sarabjit Kaur), who lost their lives in a motor vehicle accident that occurred on 18.11.1998. The accident was allegedly caused due to the rash and negligent driving of Truck No. PUB-4366, which was being driven by Respondent No. 1, owned by Respondent No. 2, and insured with Respondent No. 3. Appellants-claimants had filed two separate claim petitions seeking compensation under the Motor Vehicles Act, on account of death of Lakhbir Kaur and minor Devinder Kaur.

2. By the impugned award dated 19.02.2003 Motor Accident Claims Tribunal, Roopnagar, the Tribunal granted following compensation to the



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appellants-claimants:

- (i) A sum of Rs. 3,08,000/- on account of the death of Lakhbir Kaur, and
- (ii) A sum of Rs. 70,000/- on account of the death of minor Devinder Kaur.

3. The appellants-claimants have preferred the present appeals seeking enhancement of the awarded compensation, contending that the compensation granted is inadequate and not commensurate with the loss suffered.

4. It was the case of the appellants-claimants that Lakhbir Kaur was 30 years old and was running a dairy farm, earning Rs. 4,000/- per month. However, except for oral assertions by the appellants-claimants, no material evidence was submitted to establish that the deceased was operating a dairy farm or earning Rs. 4,000/- per month.

5. The learned Tribunal, however, considered Lakhbir Kaur to be a able-bodied person and adopted the minimum wage of an unskilled worker at Rs. 1,500/- per month, which was the minimum wage in the State of Punjab at the time of the accident in 1998. Accordingly, the income of the deceased was taken as Rs. 1,500/- per month. The deceased was stated to be 30 years old, a fact uncontested by the respondents. The learned Trial Court had also accepted the age of the deceased as 30 years. However, future prospects were not taken in consideration while calculating loss of dependency. Since deceased was 30 years old, claimants were entitled to addition of future prospects, and the loss on account of dependency was required to be determined accordingly.

6. The learned Tribunal applied a multiplier of 16 to calculate the compensation. Since the deceased was 30 years old, the multiplier of 17, as



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mandated in *Sarla Verma and others Vs. Delhi Transport Corporation and another 2009(6) SCC 121*, is applicable in the present case and should be awarded.

7. The deceased was survived by two dependents. Accordingly, personal expenses of the deceased have to be deducted at the rate of one-third (1/3rd) from the total income. Therefore, the total income of the deceased, after deducting personal expenses, would come to Rs. 1,400/-.

8. The claimants shall also be entitled to funeral expenses to the extent of Rs. 5,000/- and loss of estate to the extent of Rs. 5,000/-. The deceased was survived by her husband and minor daughter. Both are also entitled to compensation on account of loss of consortium, and each of them is awarded Rs. 15,000/- on account of loss of consortium.

9. The appellants shall, therefore, be entitled to the following compensation:

Income of deceased	Rs. 1,641/- per month (as per minimum wages payable to unskilled workers)	Rs. 1,641/- per month
Future prospects	40% (Rs. 1,641+656)	Rs. 2,297/-
Deduction	1/3 rd (Rs. 2,297-766)	Rs.1,531/-
Multiplier	17	17
Loss of income	Rs. 1,532x17x12	Rs. 3,12,324/-
Loss of estate		Rs. 5,000/-
Funeral expenses		Rs. 5,000/-
Compensation for spousal and parental consortium	Rs. 20,000/-	Rs. 30,000/- (Rs. 15,000/- +



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		Rs.15,000/-
Compensation awarded by Tribunal	Rs. 3,08,000/-	
Compensation awarded in appeal		Rs. 3,52,324/-
Enhancement of compensation	Rs. 3,52,324/- (awarded in appeal) -Rs. 3,08,000/- (awarded by Tribunal)	Rs. 44,324/-

10. The appeal preferred by claimants-appellants seeking enhancement of compensation in FAO No. 2396 is allowed in above terms.

11. The appellants-claimants, in their appeal bearing FAO-2397-2003, have sought enhancement of the compensation awarded to them on account of the death of deceased Devinder Kaur. By the impugned award, the learned Tribunal granted Rs. 70,000/- as compensation for the death of Devinder Kaur. The deceased Devinder Kaur was only 1½ years old at the time of death. Given her tender age, she would have required a substantial period before she could have been capable of supporting any dependents. Considering her young age and in the interest of justice, it is appropriate that the compensation awarded to the appellants-claimants be enhanced to Rs. 1,50,000/- instead of Rs. 70,000/- as awarded by the learned Tribunal as total compensation.

12. The appellants-claimants in both claim petitions shall also be entitled to interest at the rate of 7.5% per annum on enhanced amount from the date of filing of the claim petitions until the date of realization of the awarded compensation.

13. Furthermore, the primary liability to pay compensation shall be upon Respondent Nos. 1 and 2. However, the Insurance Company, i.e., Respondent No. 3, shall pay the compensation amount to the claimants-appellants and then recover



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the same from Respondent Nos. 1 and 2 along with interest, as ordered vide the award dated 19.02.2003.

14. Both the appeals are allowed in the above terms.

23.09.2025
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(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes
Whether reportable	Yes/No