



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

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FAO-630-2003 (O&amp;M)

Date of decision :14.10.2025

MOHINDER SINGH AND ANOTHER

... APPELLANTS

VERSUS

VINOD KUMAR AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Sanjiv Gupta, Advocate  
for the appellants.

Mr. Manu Loona, Advocate  
for the respondent-Insurance Company.

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**PARMOD GOYAL, J. (ORAL)**

1. The present appeal has been filed by the appellants-claimants, who are aggrieved by the impugned award dated 01.08.2002 passed by the Motor Accident Claims Tribunal, Sirsa (hereinafter referred to as the "Tribunal"). The Tribunal had partly allowed the claim petition filed by the appellants-claimants and awarded compensation of Rs. 3,45,000/- to the appellants-claimants.

2. The appellants-claimants are primarily aggrieved by the application of an incorrect multiplier and the omission of future prospects while calculating the loss of dependency. Additionally, no compensation was awarded under the heads of funeral expenses, loss of estate and loss of consortium.

3. On consideration, I find that the learned Tribunal has rightly assessed the income of the deceased at Rs. 5,754/- per month. This assessment is supported by the fact that the deceased was serving in the Army, and his income was duly proved through the examination of witnesses, as well as by the pay



certificate (Ex. PD) placed on record. Therefore, the Tribunal correctly relied on the salary certificate (Ex. PD) to determine the income of the deceased.

4. It is also undisputed that the deceased was 35 years old at the time of his death. However, the Tribunal applied a multiplier of 15, whereas, in accordance with the judgment of the Hon'ble Supreme Court in ***Sarla Verma and Others v. Delhi Transport Corporation and Another***, (2009) 6 SCC 121, the correct multiplier applicable in the present case should be 16. Accordingly, a multiplier of 16 shall be applied.

5. The deceased was survived by three dependents, namely his widow and parents. The Tribunal rightly deducted one-third of the income towards personal expenses of the deceased, and on that basis, awarded a compensation of Rs. 3,45,000/-.

6. I also find merit in the contention raised on behalf of the appellants-claimants that the learned Tribunal erred in not awarding compensation towards future prospects. In view of the law laid down by the Hon'ble Supreme Court in ***National Insurance Company Ltd. v. Pranay Sethi and Others***, 2017 (4) RCR (Civil) 1009, the appellants-claimants are entitled to the addition of future prospects while determining the loss of dependency.

7. In the present case, since the deceased was under 40 years of age, employed in a regular job, earning a stable income, future prospects to the extent of 50% ought to have been added to the actual income of the deceased.

8. Furthermore, the appellants-claimants, being the widow and parents of the deceased, are also entitled to compensation under the heads of spousal and filial consortium, respectively. In addition, they are also entitled to compensation for funeral expenses and loss of estate.

9. Accordingly, the petitioners are entitled to the following



compensation:

Income of deceased	Rs. 5,754/- per month (as per the salary certificate)	Rs. 5,754/- per month
Future prospects	50% of Rs. 5,754 (Rs. 5,754+2877)	Rs. 8,631/-
Deduction	1/3 <sup>rd</sup> = Rs. 2,877	Rs. 5,754 (Rs. 8,631/- - Rs. 2,877)
Multiplier	16	16
Total loss of dependency	(Rs. 5,754 x 12 x 16)	Rs. 11,04,768/-
Funeral expenses		Rs. 7,500/-
Loss of Estate		Rs. 7,500/-
Spousal consortium		Rs. 15,000/-
Filial consortium		Rs. 30,000/- (Rs. 15,000/- each to claimant No. 2 & 3)
Compensation awarded by Tribunal	Rs. 3,45,000/-	
Compensation awarded in appeal	Rs. 5,82,384/- (50% of Rs. 11,64,768/- on account of contributory negligence)	Rs. 5,82,384/-
Enhancement of compensation	Rs. Rs. 5,82,384/- (awarded in appeal) – Rs. 3,45,000/- (awarded by Tribunal)	Rs. 2,37,384/-

10. There is also a challenge to the finding of contributory negligence raised on behalf of the appellants-claimants. However, since the learned Tribunal has held the present case to be one of contributory negligence, the appellants-claimants shall be entitled only to 50% of the enhanced compensation, in accordance with the Tribunal's findings.

11. Appellants shall be also entitled to interest at the rate of 7.5 % per annum on enhanced amount of Rs. 2,37,384/- from date of filing claim petition till realization. Apportionment of compensation shall be as per award. Appeal stands allowed in above terms.



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12. Pending miscellaneous application(s), if any, shall also stand disposed of.

14.10.2025  
manoj

**(PARMOD GOYAL)**  
**JUDGE**

Whether speaking/reasoned	Yes
Whether reportable	Yes/No