



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

210

FAO-905-2022

Date of decision :29.08.2025

MONIKA AND OTHERS

... APPELLANTS

VERSUS

RANJIT SINGH AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Shakti Mehta, Advocate
for the appellants.

PARMOD GOYAL, J. (ORAL)

Appellants-claimants, who are the wife, children and mother of deceased have filed present appeal being aggrieved by award dated 08.10.2021 of Rs. 26,28,200/- passed by Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'Tribunal) alongwith 7% interest on account of death of deceased Goldy in motor vehicle accident on 26.06.2020 by rash and negligent driving of respondent No. 1 offending driver, while driving vehicle No. PB-11-BU-9893. Appellants have accordingly sought enhancement of compensation.

2. Total compensation of Rs. 26,28,200/- was awarded by learned Tribunal under various heads duly noticed as under: -

Monthly income/annual income	Rs.12,000/- per month	Rs. 12,000x12 Rs. 1,44,000/- per annum
Future prospects	40% (Rs.12,000x40% 12000+ 4800)	Rs. 16,800/-
Deduction on account of personal expenses	1/4 th (Number of dependents 4) Rs. 16,800-4200/-	Rs. 12,600/-



Loss of income per annum	Rs. 12,600x12	Rs. 1,51,200/-
Multiplier	16	
Total loss of income	Rs. 1,51,200x16	Rs. 24,19,200/-
Loss of estate	Rs. 16,500/-	Rs. 16,500/-
Funeral expenses	Rs. 16,500/-	Rs. 16,500/-
Spousal consortium	Rs. 44,000/-	Rs. 44,000/-
Parental consortium	Rs. 44,000/- x 2	Rs. 88,000/-
Filial consortium	Rs. 44,000/-	Rs. 44,000/-
Total consortium awarded by Tribunal		Rs. 26,28,200/-

3. In the present case, learned Tribunal has taken income of deceased to Rs. 12000/- per month for the purposes of determining loss of dependency. Deceased was taken to be 32 years old at the time of his death. Future prospects to the extent of 40% were added and taking number of dependents to be 4, 1/4th was deducted towards personal expenses. As far as addition of 40% as future prospects, award of multiplier of 15 and deduction on account of personal expenses is concerned, the same are in accordance with principles laid down in ***Smt. Sarla Verma and others Vs. Delhi Transport Corporation and another 2009(6) SCC 121*** and ***National Insurance Company Ltd. Vs. Pranay Sethi and others, 2017 (4) RCR (Civil) 1009.***

4. The main dispute in the present case is that claimants/appellants are claiming monthly income of deceased to be Rs. 20,000/- per month instead of Rs. 12,000/- taken by learned Tribunal.

5. On consideration, in absence of any material on record except for oral assertion made by appellants, the approach of learned Tribunal not taking Rs.20,000 as monthly income cannot be faulted with. The award of Rs. 12,000/- by learned Tribunal is based upon minimum wages payable to a driver. There is



no material to show that deceased was owner of any vehicle as no RC has been placed on record. There is no documentary evidence available on record to show that deceased was earning Rs.20,000/- as being claimed by claimants.

6. The argument of learned counsel for the appellants that the oral assertions of claimant in absence of any rebuttal on behalf of respondents has to be taken by learned Tribunal as income of the deceased. However, adducing evidence is one thing and appreciation of the same is another thing. Merely, because the claimant had led oral evidence regarding income, the same is not binding upon the Court to take the same as income of the deceased. The Courts are bound to appreciate evidence led by parties before it and it is only on appreciation of evidence, it has to accept or reject the same, even though, there is no rebuttal to said evidence from other side. In the present case also, there is no corroboration to the assertions made by claimants, the deceased was earning Rs. 20,000/- and, therefore, no fault with the determination of income as Rs. 12,000/- by the learned Tribunal can be found self serving assertion without any corroborating regarding income has to be ignored. Therefore, quantum of compensation determined by the learned Tribunal is in accordance with law as the learned Tribunal has rightly applied 40% towards future prospects and had applied deduction to the extent of $\frac{1}{4}$ th on account of 4 dependents and thereafter duly given multiplier of 15 as deceased was 32 years old. Therefore, the loss of dependency has been rightly calculated as Rs.24,19,200/-. Claimant No. 1 (widow of deceased) has been granted spousal consortium to the extent of Rs. 44,000/-. Claimant Nos. 2 and 3 were awarded Rs. 44,000/- each for loss of parental consortium and claimant No. 4 (mother of deceased) was also granted Rs. 44,000/- towards filial consortium.

7. Similarly, learned Tribunal has also granted compensation of Rs.16,500/- towards loss of estate and Rs. 16,500/- towards funeral expenses.



FAO-905-2022

-4-

Therefore, total compensation of Rs.26,28,200/- as per law was awarded by the learned Tribunal.

8. No interference is warranted. Appeal is accordingly dismissed.

29.08.2025
manoj

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No