



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

(219)

**FAO no.145 of 2002(O&M)  
Date of Decision: 30.09.2025**

**SUHAGWATI AND OTHERS****... APPELLANTS****VERSUS****PRITHVI SINGH AND OTHERS****... RESPONDENTS****CORAM: HON'BLE MR. JUSTICE VIRINDER AGGARWAL**

Present: Mr. Rupender Singh, Advocate  
for the appellants.

Mr. Sandeep Suri, Advocate  
for the respondent no.3.

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**VIRINDER AGGARWAL, J. (Oral)**

1. The present appeal is directed against the award dated 12.10.2000 passed by the learned Motor Accident Claims Tribunal, Rewari, whereby the claim petition filed by the appellants was partly allowed and a compensation of ₹5,79,872/- was awarded on account of the death of Kartar Singh in a motor vehicular accident.

**FACTUAL BACKGROUND**

2. On 20.06.1998, at about 2:00 p.m., Kartar Singh, aged 35 years, employed as a Constable in Haryana Police and earning ₹4,375/- per month besides agricultural income, was driving Gypsy No. HR-35-0217 on the Rewari-Narnaul road near village Hari Nagar. A truck bearing registration No. RJ-14G-0009, driven rashly and negligently by respondent No.1, came from the opposite direction and struck against the Gypsy. As a result, Kartar



Singh suffered grievous injuries and was shifted to Civil Hospital, Rewari, where he succumbed to his injuries. An FIR No. 214/1998 under Sections 279 and 337 IPC was registered against the truck driver. The claimants, being his widow, two minor children and aged parents, filed the claim petition seeking compensation.

3. The learned Tribunal held that the accident occurred due to rash and negligent driving of Truck No. RJ-14G-0009 by respondent No.1. The income of the deceased was assessed at ₹4,375/- per month and one-third was deducted towards personal expenses. Dependency was thus calculated at ₹2,916/- per month or ₹34,992/- annually. Applying a multiplier of 16, the loss of dependency was assessed at ₹5,59,872/-. A further sum of ₹10,000/- each was awarded towards cremation/transportation charges and loss of consortium. Thus, the total compensation was determined at ₹5,79,872/- with interest at rate of 12% per annum, payable jointly and severally by the driver, owner and insurer of the truck.

### **CONTENTIONS**

4. The learned counsel for the appellant have assailed the award primarily on the ground that the compensation is grossly inadequate. It is contended that the deceased's income, age, and the dependency of the family were not properly considered. Even otherwise, having regard to the year of accident and avocation, it is also urged that the compensation to be aligned with the settled principles of the law. Therefore, the learned counsel sought an increase in the quantum of award.

5. Learned counsel for the respondents supported the award of the learned Tribunal, submitting that just and fair compensation had been awarded after appreciation of the evidence and no interference was warranted.

**OBSERVATIONS AND FINDINGS**

5. I have carefully heard the arguments advanced by the learned counsel representing the appellant and have thoroughly examined the entire paper book.

6. The learned Tribunal, on an appreciation of the oral and documentary evidence adduced by the party, rightly came to the categorical conclusion that the accident had occurred due to the rash and negligent driving of the offending vehicle by respondent No.1. Accordingly, the driver, owner, and insurer of the offending vehicle were held jointly and severally liable to pay compensation to the claimants. However, the learned Tribunal's approach in awarding the amount of ₹5,79,872/- without applying the established multiplier method is erroneous and warrants interference. The Hon'ble Supreme Court has repeatedly emphasized the need for a structured and uniform approach to compensation in motor accident death cases to ensure just compensation under Section 166 of the Motor Vehicle Act. Even though the accident occurred in 1998 and the award was passed in 2000, subsequent judicial developments would have to be applied for enhancement of compensation in appeals retrospectively to pending matters.

7. Hence, the compensation awarded by the learned Tribunal does not fully reflect the settled principles of law and therefore calls for reassessment by this Court. It is admitted that the deceased was **35 years** of age at the time of death, as established from the matriculation certificate (**Ex. PC**) placed on record. Further, the claimants had asserted that the deceased was employed as a constable in Haryana Police and drawing the monthly salary of ₹4,375/- per month (annual income - 52500) at the time of accident as



deposited by PW-4 Ram Avtar, ASI, Assistant Accountant , SP Office. In line with *National Insurance Company Limited v. Pranay Sethi, 2017 (16) SCC 680*, a 50% addition is to be made towards future prospects in the case of persons in permanent employment below 40 years of age. The annual income thus works out to ₹78,750/-. After a deduction of 1/4th towards personal expenses (considering four dependents), the annual loss of dependency amounts to ₹59,063/-. Applying a multiplier of 16 as per the table in *Sarla Verma v. Delhi Transport Corporation, 2009 (6) SCC 121* (appropriate for age 35), the loss of dependency comes to ₹9,45,008/-. Under the conventional heads, following *Pranay Sethi (supra)*, ₹15,000/- is awarded towards loss of estate and ₹15,000/- towards funeral expenses. Lastly, the claimant/appellant widow is entitled to spousal consortium of ₹40,000/- , and ₹40,000/- each to two minor children of deceased as parental Consortium and ₹40,000/- to mother of deceased as filial consortium in line with *Pranay Sethi (supra)* and *Magma General Insurance Co. Ltd. vs. Nanu Ram alias Chuhru Ram, 2019(18) SCC 130*. Therefore, the total compensation works out to ₹11,35,008/-.

### COMPARATIVE COMPUTATION

Particulars	Tribunal Award (₹)	Reassessed Award (₹)
Notional Monthly Income	4,375/-	4,375/-
Annual Income	52,500/-	52,500/-
Income With Future Prospects (50%)	x	78,750/-
Deduction	17,508/- 1/3rd for personal expenses (3 Dependents)	19,687/- 1/4th For Personal Expenses (4 Dependents)
Annual Contribution To Family	34,992/-	59,063/-
Multiplier (age 35 yrs)	16	16



<b>Loss Of Dependency</b>	5,59,872/-	<b>9,45,008/-</b> <b>(59,063 × 16)</b>
Spousal Consortium	10,000/-	<b>40,000/-</b>
Parental Consortium	x	<b>80,000/-</b> <b>(40,000 × 2)</b>
Filial Consortium	x	<b>40,000/-</b>
Loss Of Estate	10,000/-	<b>15,000/-</b>
Funeral Expenses	x	<b>15,000/-</b>
<b>Total</b>	<b>₹ 5,79,872/-</b>	<b>₹ 11,35,008/-</b>

8. The appeal is accordingly allowed. The impugned award is modified to the above extent. The claimants shall be entitled to **₹ 11,35,008** along with interest at rate of 9% per annum from the date of filing of the claim petition till realisation. The apportionment and manner of disbursement shall remain as directed by the learned Tribunal.

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

**30.10.2025**  
*Saurav Pathania*

**(VIRINDER AGGARWAL)**  
**JUDGE**

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