



FAO No. 4245 and 4246 of 2004 1

IN THE HIGH COURT OF PUNJAB & HARYANA  
AT CHANDIGARH

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FAO No. 4245 of 2004

Vinod Kumar ..... Appellant

Versus

Om Parkash and others .....Respondent

FAO No. 4246 of 2004

Bimla Devi and others ..... Appellants

Versus

Om Parkash and others .....Respondent

Date of Decision: 14.10.2025

**CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL****Present:** Mr. Navneet Jindal, Advocate and  
Mr. Tushar Gera, Advocate for the appellant.Mr. Sanjiv Pabbi, Advocate  
for the Insurance Company.

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

Present appeals have been preferred by two set of claimants, namely, injured Vinod Kumar and LRs of deceased Baljeet Singh through his widow Bimla Devi, his daughter and parents. Both the claimants have been awarded compensation by the learned Motor Accident Claims Tribunal, Hisar (hereinafter referred to as 'Tribunal') vide impugned award dated 06.05.2004. However, both the sets of appellants have preferred separate appeals seeking enhancement of compensation.

2. The simple case of claimants/appellants is that on 23.02.2000



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injured Vinod Kumar along with Vikas Bhai and Naresh Kumar were going from Hisar to Karnal in Jeep No.HR-21-A-4168. The jeep was being driven by deceased Baljeet Singh. At about 2:00 P.M a canter bearing No. HR-45-1920 being driven by respondent No.1 in rash and negligent manner came at very high speed from opposite side and stuck against the jeep resulting in injuries and death of deceased Baljeet and injuries to Vinod Kumar. Following compensation was paid to Bimla Devi and others on account of death of deceased Baljeet Singh.

Income	Rs.3,000/-
Deduction	1/3rd (3000-1000)=Rs.2,000/-
Multiplier	16
Loss of dependency	Rs.3,84,000/- (2,000x12x16)
Transportation Charges	Rs.2,000
Loss of Consortium	Rs.2,000/-
Total compensation awarded	Rs.3,88,000/-

Following compensation was granted to injured claimant / appellant -Vinod Kumar:-

Treatment Charges	Rs.3,850/-
Conveyance charges and Special Diet	Rs.10,000/-
Total compensation awarded	Rs.13,850/-

3. In both the appeals, learned counsel for the appellants has sought enhancement of compensation. It is the case of learned counsel for claimants in appeal titled as **Bimla Devi & others Vs. Om Parkash & others** that deceased was earning Rs.6,000/- per month and learned Tribunal has wrongly taken his income as Rs.3,000/- per month. Reliance has been placed upon Exhibit P-8 certificate of salary issued by Partner of Hindustan Wine Company where deceased was employed. As per certificate, the deceased was getting Rs.6,000/- per month while working as driver. Learned counsel for the appellants has further argued that learned Tribunal has erred

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in granting multiplier of 16 instead of 17 as deceased was 27 years old at the time of his death. He has further sought enhancement on the ground that no future prospects has been added while calculating loss of dependency.

4.            Learned counsel for the Insurance Company has opposed the prayer for enhancement of compensation on the ground that the award passed by the learned Tribunal is well reasoned and detailed one. It is argued that except for salary certificate signed by PW-5 who claimed himself to be employer of deceased no material was placed by employer showing employment of deceased.

5.            On consideration, I find that learned Tribunal has rightly rejected the salary certificate Exhibit P-8 to conclude income of deceased at the time of his death. Exhibit P-8 and evidence of PW-5 Sandip Rao is of no help to the case of appellant. There is no material to accept the same to be genuine and learned Tribunal has rightly rejected the evidence regarding income of the deceased by giving just reasons. Admittedly in present case, no records have been produced by the alleged employer while appearing in the witness box in Court. Neither PW-5 nor claimants have produced driving licence of deceased to show that deceased was entitled to drive the vehicle and could be employed as a driver. Neither any ESI number, EPF number, attendance register, ledger nor bank statement showing payment of Rs.6,000/- per month to deceased have been placed on record. The mere oral assertion of PW-5 and alleged certificate Exhibit P-8 which is claimed to have been signed by PW-5 himself in absence of any further corroboration cannot be accepted as gospel truth and income of deceased cannot be taken as Rs.6,000/- per month. In absence of any proof regarding income of deceased, learned Tribunal has rightly not taken income of deceased as Rs. 6,000/- per month.



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6. Learned Tribunal has not given any reason for taking income of deceased to be Rs.3,000/-. Presumptions cannot be raised to determine income of deceased either actual income needs to be proved by the claimants or minimum wages as payable to skilled/semi-skilled/unskilled worker as the case may be has to be awarded. In the present case, there is no clear evidence in absence of driving licence that deceased was a driver. Therefore, the deceased has to be taken as unskilled worker and accordingly minimum wages payable to unskilled worker in year 2000 which was about 2050 needs to be taken as income of the deceased. Deceased was aged 27 years & therefore, claimants are entitled to multiplier of 17. Deceased was survived by four dependents. Accordingly 1/4 amount needs to be deducted towards personal expenses of deceased. Accordingly claimants is entitled to following compensation.

Income	Rs.2,050/- per month (as per minimum wages payable to unskilled worker)	Rs.2050/- per month
Future Prospects	40 % (2,050+820)	Rs.2,870/-
Deduction	1/4th (2,870-718)	Rs.2,152/-
Multiplier	17	17
Total loss of dependency	2152x17x12	Rs.4,39,008/-
Spousal consortium to claimant No.1		Rs. 15,000/-
Parental consortium to claimant No.2		Rs. 15,000/-
Filial Consortium to claimant No.3 and 4		Rs. 30,000 (15,000x2)
Loss of Estate		Rs.7,500/-
Funeral Expenses		Rs.7,500/-
Compensation awarded by Tribunal	Rs.3,88,000/- (Compensation awarded by Tribunal)	
Compensation awarded in Appeal		Rs. 5,14,008/-
Enhancement of Compensation	Rs.5,14,008/- (awarded in appeal) – Rs. 3,88,000/- (awarded by Tribunal)	Rs .1,26,008/-

7. As far as the appeal filed by the injured Vinod is concerned,



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learned Tribunal has considered the case of claimants in Para Nos.19 and 20 of the impugned award. Claimant/appellant has been awarded the entire amount of medical expenses incurred by him along with compensation of Rs.10,000/- towards conveyance and special diet and has been awarded compensation of Rs.13,850/-. Award of Rs.10,000/- towards special diet and conveyance to my mind is on the higher side. Accordingly the amount of Rs.10,000/- is reduced to Rs.5,000/- towards compensation on account of conveyance, special diet, transportation. Claimant/appellant has suffered only simple injuries and there is no evidence available to show that he had suffered grievous or permanent injuries. Though he had visited hospital on 5 occasions, accordingly he must have suffered loss of income for at least a month and accordingly awarded Rs. 2,000/- towards loss of income as no income proof has been produced by the claimant before the Tribunal. Petitioner shall also be entitled the compensation of Rs.10,000/- towards pain and sufferings. Claimant / appellant shall be entitled to the following compensation :-

Special Diet and Conveyance Charges	Rs.10,000/- (by Tribunal)	Rs.5,000/-
Treatment Charges	Rs.3,850/- (by Tribunal)	Rs.3,850/-
Loss of Income		Rs.2,000/-
Pain and sufferings		Rs.10,000/-
Compensation awarded by Tribunal	Rs.13850/-	
Compensation awarded in Appeal		Rs. 20,850/-
Enhancement of compensation	Rs.20,850/- (awarded in appeal)-Rs.13,850/- (awarded by Tribunal)	Rs.7,000/-

8. Claimants shall also be entitled to 7.5 % interest on enhanced amount from date of filling of petition till its realisation. Both the appeals are allowed in the above terms. Pending Misc. application(s), if any, shall



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also stand disposed off.

**14.10.2025**

Rajeev (rvs)

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

Whether Speaking/Reasoned: **YES/NO**

Whether Reportable: **YES/NO**