

FAO-2802-2009 (O&M)  
FAO-2803-2009 (O&M)  
FAO-2487-2009 (O&M)

2025:PHHC:129915



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

**1.FAO-2802-2009 (O&M)**

**Ravinderjit Kaur**

..Appellant

Versus

**Saranjit Singh and others**

..Respondents

**2.FAO-2803-2009 (O&M)**

**Ravinderjit Kaur**

..Appellant

Versus

**Saranjit Singh and others**

..Respondents

**3.FAO-2487-2009 (O&M)**

**Pepsu Road Transport Corporation, Patiala**

..Appellant

Versus

**Saranjit Singh and others**

..Respondents

**Reserved on : 16.09.2025  
Date of decision:19.09.2025**

**CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU**

Present: **FAO-2802-2009**  
Mr. Sandeep K Sharma, Advocate and  
Mr. Utsav Sharma, Advocate for the appellant

None for respondent No.1

Mr. Aman Sharma, Advocate for respondent No.2

Service of respondent No.3 was dispensed with

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vide order dated 12.12.2011

**FAO-2803-2009**

Mr. Sandeep K Sharma, Advocate and  
Mr. Utsav Sharma, Advocate for the appellant

None for respondent No.1

Service of respondent No.2 was dispensed with  
vide order dated 12.12.2011.

Mr. Aman Sharma, Advocate for respondent No.3

**FAO-2487-2009**

Mr. Aman Sharma, Advocate  
for the appellant

None for respondent No.1

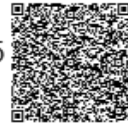
Service of respondent No.2 was dispensed with  
vide order dated 12.12.2011 in cross-appeal

Mr. Sandeep K Sharma, Advocate and  
Mr. Utsav Sharma, Advocate for respondent No.3

**MANDEEP PANNU, J.**

1. By this common judgment, three First Appeals against award dated 22.10.2008 i.e FAO-2802-2009, FAO-2803-2009 and FAO-2487-2009 shall stand disposed of.

2. FAO-2802-2009 and FAO-2803-2009 have been filed by Ravinderjit Kaur, one of the claimants before the Motor Accident Claims Tribunal, Ropar (hereinafter referred to as 'Tribunal') whereas FAO-2487-2009 has been filed by Pepsu Road Transport Corporation, Patiala (hereinafter referred to as 'PRTC'). The Tribunal has awarded compensation of Rs.10,60,000/- on account of death of Tejinder



Singh, in a vehicular accident, which took place on 10.01.2004. Two claim petitions were filed before the Tribunal; one on behalf of appellant-Ravinderjit Kaur (wife of deceased) and another by Saranjit Singh(son of deceased) -respondent no.1 in all three appeals.

3. In FAO-2487-2009 filed by PRTC-appellant challenge has been made to the accident being caused by rash and negligent driving of vehicle owned by PRTC and it is prayed that compensation awarded is excessive and needs to be re-determined.

4. Learned counsel for PRTC has submitted that Tribunal has erred in recording that accident took place due to rash and negligent driving of Narinderpal Singh, Driver of offending bus as no independent evidence was led by the claimants to prove the accident and negligence of the driver. He has further submitted that credibility of eye-witness Harvinderpal Singh is doubtful, being brother-in-law of deceased. Furthermore, submitted that Tribunal has ignored the statement of Driver-Narinderpal Singh (RW1) wherein he has stated that deceased struck his car against the stationery bus, while overtaking a scooterist and it's a case of contributory negligence which resulted in head on collision.

5. This Court, after giving due consideration to the facts of the case and also to the detailed findings recorded by the Tribunal with regard to the accident, finds no merit in the contention of the learned counsel for PRTC. PW1 Harvinder Pal Singh, an eye witness



has made a detailed statement with regard to time, place and manner of accident. He himself has suffered multiple grievous injuries in the said accident. RW1-Narinderpal Singh, Driver of the offending vehicle has made the following statement:-

*“On 10.1.2004, I was driving bus No. PB-11-A-9265. I was going on Ropar Nalagarh route, on that day I left the bus stand Ropar, while driving the above said bus at 4:50 P.M on that day. When I reached the small bridge in the area of Village Malikpur, one scooter was seen coming from the opposite direction and one car was following the said scooter and the car driver was giving the horn to the scooterist to over take the same. My bus had already entered the small bridge. When the car overtake the scooter, immediately I applied the brakes and stopped the bus, but the driver of the car failed to control his car and the same rampped into my stationary bus.”*

6. From perusal of the aforesaid statement, it is evident that bus was not stationary, mere application of brakes, while driving, does not mean that the vehicle was not moving. No reference has been made to scooter in FIR. Had there been any scooterist at the time of accident then driver of the offending vehicle had the opportunity to examine him but he has not done so. It seems that story of overtaking



of scooter is an afterthought. The same cannot be believed being without any basis. Harvinder Pal Singh, eye witness/PW1 has denied this suggestion put to him by learned counsel for respondents in cross-examination. Hence, FAO-2487-2009 is dismissed. Findings of the Tribunal with regard to accident being caused due to rash and negligent driving by Narinder Pal Singh (driver) and liability of both owner and driver of the offending bus to pay compensation are upheld.

7. Now coming to the other two appeals filed by Ravinderjit Kaur. In FAO-2802-2009, claimant/appellant- Ravinderjit Kaur has prayed for enhancement of compensation on the ground that Tribunal has erred in assessing the income of the deceased that too without future prospects as well as the amounts awarded under Heads 'funeral expenses' and 'loss of estate/consortium' are highly inadequate while relying on the observations of the Hon'ble Supreme Court in cases **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]** and **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]** and also on the ground that no interest was awarded on the amount of compensation from the date of filing of the petition till its realization, whereas in FAO-2803-2009, appellant-Ravinderjit Kaur has challenged the findings of the Tribunal regarding grant of 50% compensation to Saranjit Singh-respondent no.1 herein.



8. The compensation awarded by the Tribunal is tabulated as under:-

<b>Sr. No.</b>	<b>Heads</b>	<b>Compensation awarded</b>
1.	Monthly Income	12000/-
2.	Deduction for personal expenses 1/3rd	4000/-
3.	Loss of monthly dependency 12000-4000 = 8000/-	8000/-
4.	Annual income 8000x12=96,000/-	96,000/-
5.	Multiplier @ 11 11x96,000= 10,56,000/-	10,56,000/-
6.	Loss of estate/consortium	2000/-
7.	Funeral expenses	2000/-
	<b>Total</b>	<b>Rs. 10,60,000/-</b>
	<b>Interest</b>	<b>Nil</b>

9. So far as income of deceased is concerned, Tejinder Singh-deceased was employed in the Merchant Navy for around a period of 8 months in a year and as per claim of the appellant, he was also earning from renting out mini bus (Ex.P5 Registration Certificate showing deceased as owner) as well as running Dhaba business. Claimant has placed on record salary certificates and various documents issued by the Shipping Company where deceased was employed by way of Ex.P6 to Ex.P9 and Ex.P15 to Ex.P17, however, Tribunal assessed monthly income as Rs.10,000/- from merchant navy job and Rs.2000/- per month from other works. On a careful perusal



of Ex.P6 to Ex.P9 and Ex.P15 to Ex.P17, this Court is of the view that the Tribunal has erred in assessing income of the deceased at the rate of Rs.10,000/- per month. What seems to have weighed in the mind of Tribunal is Ex.P15 where in end of document, it is written “Total Earnings Rs.3,24,308/- less Total Deductions Rs.3,14,308/- Balance of Wages Rs.10,000/-”, however, on careful perusal of its components as well as Ex.P16, it is amply clear that amount of Rs.3,14,308/- shown as Total deductions is against Rs.2,35,024/- as Shore Advance, Rs.21694/- as PF contribution, Other Deduction Rs.51,667/-, Rs.5130 as advance on joining and Rs.794/- CJ Radio. The term “*Shore Advances*” which means ‘*advance payment of wages given to a seafarer (crew member) while is ashore at a port, before the completion of his contract or before his regular monthly wage settlement.*’ In other words, it is a part of the seafarer’s earned wages that is paid to him in advance when the ship calls at a port and the seafarer needs cash for personal expenses, remittance to family or emergencies. Hence, as per Ex.P17, he has worked for 231 days in Merchant Navy during his assignment from 31.05.2001 to 28.01.2002 whereas as per Ex.P7 deceased during his assignment from 25.07.2000 to 31.03.2001, has worked for 165 days. Hence, it is amply clear that a person who works in Merchant Navy gets salary according to number of days for which he has worked alongwith over-time allowances etc. Therefore, it is clear that deceased was not



working for the same number of days on every assignment which usually lasts for 7-8 months, however, taking into consideration Ex. P6 to Ex.P9 and Ex.P15 to Ex.P17 and applying some sort of guess work, this Court assesses his monthly income from Merchant Navy as Rs.20,000/-whereas income from other sources i.e mini bus and dhaba work, needs no modification as there is no documentary proof to reflect income from other jobs and therefore, the same is maintained. Hence, total monthly income of deceased is assessed as Rs.22,000/-. Furthermore, while relying upon law laid down by the Hon'ble Supreme Court in **Pranay Sethi's case (supra)** and **Magma General Insurance Company Limited's case (supra)**, future prospects @ 10% needs to be added to the income of the deceased and claimants would also be entitled an amount of Rs.48,000/- each under Head 'Loss of Consortium' and Rs.18,000/- each under Heads 'funeral expenses' and 'loss of estate'.

10. Accordingly, the compensation is re-assessed as under :

Sr.No.	Heads	Compensation awarded
1.	Monthly Income	22000/-
2.	Future prospects @ 10% $22000 \times 10\% = 2200$	24200/-
3.	Deduction for personal expenses 1/3rd $24200/3 = 8066.66 = 8067$	8067
4.	Loss of monthly dependency $24200 - 8067 = 16,133$	16,133/-
5.	Annual income $16133 \times 12 = 1,93,596/-$	1,93,596/-



6.	Multiplier @ 11 $11 \times 193596 = 21,29,556/-$	21,29,556/-
7.	Loss of estate	18000/-
8.	Funeral expenses	18000/-
9.	Loss of consortium @ 48000/- to each claimant	96,000/-
	<b>Total</b>	<b>Rs. 22,61,556/-</b>

11. The claimants shall be entitled to difference in amount of compensation alongwith interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realization. Rest of the award needs no modification.

12. Accordingly, the appeal i.e FAO-2802-2009 stands partly allowed.

13. In FAO-2803-2009, appellant-Ravinderjit Kaur has challenged award of 50% of the compensation to respondent no.1-Saranjit Singh, being major son who was gainfully employed and therefore, cannot be considered dependent upon deceased.

14. In the considered view of this Court, there is no merit in FAO-2803-2009. Undisputedly, respondent no.1-Saranjit Singh is son of deceased-Tejinder Singh. He has filed his separate claim petition seeking compensation on account of death of his father in a vehicular accident and even disputed the status of Ravinderjit Kaur as wife of his father. Respondent no.1 has also claimed that he has recently completed his study and he was totally unemployed and was dependent upon his father. However, Tribunal, after giving due

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consideration to all the materials on record, has held that Ravinderjit Kaur has failed to lead cogent documentary evidence to prove the fact of Saranjit Singh being working in a private Company and therefore, both Ravinderjit Kuar, being wife and Saranjit Singh, being son, of the deceased are equally held entitled to 50% of the awarded amount of compensation. As per the latest judgment of Hon'ble Supreme Court in **Seema Rai & others vs. The Oriental Insurance Company Limited and others (Civil Appeal No. 2323 of 2025 decided on 11.02.2025)** it has been held that major married and even earning children of deceased being legal heirs/legal representatives, have right to apply for compensation even if they are not fully dependent on the deceased. Applying the above said legal yardstick to the facts of the case, this Court has no hesitation in coming to the conclusion that Saranjit Singh, being son of the deceased is also entitled to his share in compensation. Hence, FAO-2803-2009 lacks merit and the same is hereby dismissed.

15. Accordingly, FAO-2802-2009 is partly allowed whereas FAO-2803-2009 and FAO-2487-2009 are dismissed.

16. All the pending miscellaneous applications, if any, are also disposed of.

**(MANDEEP PANNU)**  
**JUDGE**

19.09.2025

rekha

Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No