



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

105**FAO-3589-2005 (O&M)
Decided on : 16.07.2026**

MANJIT KAUR AND OTHERS

...APPELLANTS

VERSUS

GABA TOURS & TRAVELS & ORS.

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Abhishek Sharma, Advocate for
Mr. Vishal Gupta, Advocate,
for appellants.

Mr. Ravinder, Advocate
for respondent-Insurance Company.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by appellants-claimants (widow, children and mother) seeking enhancement of compensation awarded vide award dated 06.05.2005 passed by learned Motor Accident Claims Tribunal, Ropar (hereinafter referred to as '**Tribunal**'), whereby appellants-claimants were awarded total compensation of Rs.7,04,000/- on account of death of Gurmukh Singh (hereinafter referred to as '**deceased**') in motor vehicular accident dated 22.06.2001 allegedly caused due to rash and negligent driving of respondent-driver while driving bus bearing registration No.DL1LPA-4751 (hereinafter referred to as '**offending vehicle**')

2. Respondents No.1 and 2 have been duly served by way of publication but none has put in appearance on their behalf. Accordingly, they are proceeded *ex parte*.

3. Since the finding of negligence on the part of respondent-

driver is not being challenged by respondents either by way of appeal or by way of cross-objections, the detailed facts regarding manner of accident are not being noticed herein for the sake of brevity.

4. In the present case, learned Tribunal had awarded the following compensation to appellants-claimants:

Income	Rs.9,000/- per month
Deduction	1/4th
Multiplier	9
Loss of dependency	Rs.7,02,000/-
Funeral expenses	Rs.2,000/-
Total compensation	Rs.7,04,000/-

5. Learned counsel for appellants-claimants has sought enhancement in compensation on following grounds that:-

- Future prospects were not added while determining loss of dependency. Future prospects to the extent 15% of monthly income needs to be added as the deceased was 55 years of age at the time of accident.
- Correct multiplier has not been applied.
- Appropriate amount of compensation amount needs to be granted under the head funeral expenses, loss of estate, loss of spousal, filial and parental consortium in accordance with law laid down by Hon'ble Supreme Court.

6. In the present case, learned counsel for appellants-claimants

has fairly admitted that learned Tribunal has rightly assessed the income of the deceased to be Rs.9,000/- per month on the basis of statement of accounts (Ex.P1) and salary certificate (Ex.P2) duly proved by PW2 and PW3. The income proved on record was taken as income of deceased by the learned Tribunal. Therefore, income as determined by learned Tribunal i.e. Rs.9,000/- per month is taken to be income of deceased. Age of deceased and number of dependents is also not in dispute. Deceased was 55 years old and was survived by five dependents i.e. wife, three children and mother. In view of judgment passed by Hon'ble Supreme Court in **Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.**, 2009(6) SCC 121 and **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.**, 2017 (16) SCC 680, in order to calculate loss of dependency, multiplier of '11' needs to be applied and deduction towards personal expenses to the extent of 1/4th has to be made. Since, deceased was doing regular job and was 55 years old, therefore, future prospects to the extent of 15% in view of judgment passed by Hon'ble Supreme Court in **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.** (supra), would be applicable for determining loss of dependency. Accordingly, taking salary of deceased to be Rs.9,000/-, applying future prospects to the extent of 15% and multiplier of '11' and after making deduction of 1/4th, loss of dependency is determined hereinbelow.

7. Apart from compensation for loss of dependency, appellants-claimants shall also be entitled to Rs.15,000/- towards funeral expenses and Rs.15,000/- towards loss of estate. Appellant-claimant

No.1 shall be entitled to compensation @ Rs.40,000/- towards spousal consortium. Appellants-claimants No.2 to 4 shall be entitled to compensation @ Rs.40,000/- each towards parental consortium and appellant-claimant No.5 shall be entitled to compensation @ Rs.40,000/- towards filial consortium. It is however made clear that in case Hon'ble Supreme Court answer the reference regarding quantum of compensation under conventional head made in **Hasina Yasmin & Ors. Vs. National Insurance Co. Ltd.**, 2025 SCC Online SC 2919 in favour of appellants, appellants shall be free to seek said amount by moving appropriate application in this regard.

8. Reworked compensation payable to appellants-claimants is as under:-

Income	Rs.9,000/-	Rs.9,000/-
Future Prospects	15% (9,000+1350)	Rs.10,350/-
Deduction	1/4 (10,350-2,587.5)	Rs.7,763/-
Multiplier	11	11
Total loss of dependency	7763 X 11 X 12	Rs.10,24,716/-
Loss of Estate		Rs.15,000/-
Funeral Expenses		Rs.15,000/-
Loss of spousal consortium to claimant No.1		Rs.40,000/-
Loss of parental consortium to claimant Nos. 2 & 4	40,000 X 3	Rs.1,20,000/-
Loss of filial	40,000	Rs.40,000/-

consortium to claimant No.5		
Total compensation awarded by Tribunal	Rs.7,04,000/-	
Total compensation awarded in appeal		Rs.12,54,716/-
Enhanced amount of compensation	Rs.12,54,716 /- (awarded in appeal) - Rs.7,04,000 /- (awarded by Tribunal)	Rs.5,50,716/-

9. Appellants-claimants shall be entitled to enhanced compensation (except for conventional heads i.e. loss of consortium, funeral expenses, loss of estate) along with 7.5% interest from the date of filing of claim petition till realization of entire amount. Interest on enhanced compensation under conventional head shall be payable from August 2017 onwards till realization. Apportionment and liability to pay compensation shall be as per award.

10. Present appeal is allowed in above terms.

11. Pending application(s), if any, stand disposed of.

(PARMOD GOYAL)
JUDGE

16.07.2026
Sunil Chander

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