2026:PHHC:039990

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2049-2024 (O&M)

SAROJ DEVI AND ANOTHER ….Appellants

Vs.

RAJPAL AND OTHERS ….Respondents

1	*The date when the judgment was reserved*	*19.02.2026*
2	*The date when the judgment is pronounced*	*16.03.2026*
3	*The date when the judgment is uploaded on the website*	*16.03.2026*
4	*Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced*	*Full*
5	*The delay, if any, of the pronouncement of full judgment, and reasons thereof.*	*Not applicable*

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. S.K. Verma, Advocate for the appellants.

Mr. Harinder Kumar, Advocate
for respondent No.3/Insurance Company.

****

HARKESH MANUJA, J.

1. By way of present appeal, challenge has been laid to an award dated 14.02.2024 passed by the learned Motor Accident Claims Tribunal, Bhiwani (for brevity, "the Tribunal"), whereby a sum of Rs. 8,82,000/- was awarded as compensation to the appellants/claimants along with interest @ 9% per annum from the date of institution of claim petition till its actual realization on account of death of Vikas.

FACTS

2. A claim petition came to be filed before the learned Tribunal, praying for grant of compensation to the tune of Rs. 50,00,000/- (Rupees fifty lakhs only) along with interest @ 18% per annum on account of death of Vikas in a vehicular accident which took place on 13.08.2018 while alleging rash and negligent driving of respondent No.1/driver.

3. After going through the pleadings and evaluating the evidence led by the parties, learned Tribunal arrived at a conclusion that the accident occurred on account of rash and negligent driving of respondent No.1/driver; holding respondents No. 1 to 3 jointly and severally liable and a sum of Rs. 8,82,000/- was awarded as compensation on account of death of Vikas.

4. Being aggrieved of the award dated 14.02.2024 passed by the learned Tribunal, the present appeal was preferred by the appellants/claimants for enhancement of compensation. Facts, as specified in the claim petition, about the manner of the accident and the issue regarding negligence of the driver recorded in favour of the appellants/claimants by the learned Tribunal, being not under challenge, are not being repeated here for the sake of brevity.

ARGUMENTS IN BEHALF OF LEARNED COUNSEL FOR THE APPELLANTS/CLAIMANTS.

5. Learned counsel for the appellants vehemently contended that the learned Tribunal committed a patent error in assessing the age and income of the deceased, thereby awarding a wholly inadequate compensation. It was submitted that the learned Tribunal wrongly relied upon the ration card to assess the age of the deceased as 14 years,

whereas the documentary evidence on record, namely the Death Certificate and Post-Mortem Report, clearly established that the deceased was 19 years of age at the time of the accident. Learned counsel further argued that the learned Tribunal arbitrarily assessed the income of the deceased @ Rs. 50,000/- per annum, ignoring the unrebutted evidence that the deceased was running a grocery shop and earning about Rs. 20,000/- per month; in any case, the income ought to have been assessed at least on the basis of minimum wages. He further submitted that the learned Tribunal failed to grant addition towards future prospects in terms of law laid down by the Hon'ble Supreme Court in ***"National Insurance Company Ltd. vs. Pranay Sethi and others"*** and also did not award appropriate compensation under conventional heads. He thus, submitted, that compensation awarded was wholly inadequate and contrary to the material available on record and the impugned award warranted suitable enhancement to ensure grant of just and fair compensation.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR RESPONDENT No.3/INSURANCE COMPANY.

6. Per contra, learned counsel for respondent No. 3 neither refuted the factum of the accident nor the negligence of the offending vehicle; however, it was contended that the Post Mortem Report cannot be treated as a valid proof of date of birth for the purpose of determining the exact age of the deceased and he further submitted that in the facts and circumstances of the present case, the compensation assessed by the learned Tribunal called for no interference.

DISCUSSION AND REASONING

7. I have heard learned counsel for the parties and perused the paper-book of the case. I find force in the arguments advanced by learned Counsel for the appellants.

QUESTION OF INCOME ASSESSED

8. In the present case, as far as the income of the deceased is concerned, the Tribunal has taken the income to be Rs. 50,000/- per annum although the claimants had claimed the same to be Rs. 20,000/- per month as the deceased was running a grocery shop. Since, the documentary evidence, in the form of ledger or income tax records, has not been placed on record to substantiate the claim of income of Rs. 20,000/- per month, therefore, this figure cannot be accepted by the Court on its face value. Nevertheless, there is also no material on record to suggest that the deceased was a minor or that he was pursuing studies so as to justify the assessment of notional income on the parameters applicable to minor children. In this situation, observations made by the Hon'ble Apex Court in case of ***"Chandra @ Chanda @ Chandararam vs. Mukesh Kumar Yadav & Ors.",*** reported as ***(2022) 1 SCC 198,*** held that in the absence of proof of income, the minimum wage notification can be a yardstick but at the same time cannot be absolute one to fix the income of the deceased and some guesswork is required to be done to assess the income. Relevant excerpt thereof is reproduced hereunder:-

> *".....In the absence of salary certificate the minimum wage notification can be a yardstick but at the same time cannot be an absolute one to fix the income of the deceased. In the absence of documentary evidence on record some amount of guesswork is required to be done. But at the same time the guesswork for assessing the income of deceased should not be totally detached from reality. Merely because claimants were unable to produce documentary evidence to show the monthly income of Shivpal, same does not justify adoption of lowest tier of minimum wage while computing the income. There is no reason to discard the oral*

evidence of the wife of the deceased who has deposed that late Shivpal was earning around Rs. 15,000/- per month……"

8.1 Considering the facts of the present case, wherein it is the case of the claimants/appellants that the deceased was running a grocery shop and earning Rs. 20,000/- per month, it cannot be denied that the deceased was having have a reasonable and steady source of income, sufficient to maintain himself and contribute to his family. Considering the age, nature of work, and prevalent minimum wages applicable to skilled/unskilled labourer during the relevant period, this Court reasonably assesses the income of deceased @ Rs. 8,968.75 per month, which shall form basis for computation of compensation.

QUESTION REGARDING AGE OF DECEASED

9. The appellants/claimants asserted that the deceased was 19 years of age at the time of death and, in support of this contention, relied upon the death certificate and post-mortem report of deceased, duly proved on record as Ex.P2 and Ex.P5. However, the learned Tribunal, while discarding the said documentary evidence, assessed the age of the deceased as 14/15 years by placing reliance on the ration card. In the humble opinion of this Court, learned Tribunal erred in treating the ration card as the best evidence for determining the age of the deceased. Section 3 (16) of National Food Security Act, (2013) defines the term ration card. The same is reproduced hereunder:-

2. Definitions.- In this Act, unless the context otherwise requires,-

(16) "ration card" means a document issued under an order or authority of the State Government for the purchase of essential commodities from the fair price shops under the Targeted Public Distribution System;

Thus, from the definition itself, it is manifest that a ration card is merely a welfare-document issued by the State Government and intended exclusively for distribution of essential commodities at subsidized rates. Further, the Targeted Public Distribution System (Control) Order, 2015, notified on 20.03.2015, expressly provides that a ration card shall not be used as a document of identity or proof of residence. Relying upon the same, the Hon'ble Rajasthan High Court in the case of ***"Adman Singh v. Risal Kanwar (S.B. Civil Writ Petition No. 4133 of 2025)"*** went on to hold that ration card cannot be relied upon even as proof of age. Relevant excerpt is reproduced hereunder:-

> *"15.1. This Court finds that the Ministry of Consumer Affairs, Food and Public Distribution (Department of Food and Public Distribution) vide its order dated 20.03.2015 in Gazette of India: Extraordinary [Part II-SEC 3(i)] "G.S.R. 213 (E).- Whereas the Central Government is of the opinion that it is necessary and expedient so to do for maintaining supplies and securing availability and distribution of essential commodity, namely, food grains under the Targeted Public Distribution System;*
>
> *Now, therefore, in exercise of the powers conferred by section 3 of the Essential Commodities Act, 1955 (10 of 1955) and in supersession of the Public Distribution System (Control) Order, 2001, except as respects things done or omitted to be done before such supersession and save as otherwise provided hereunder, the Central Government hereby makes the following Order, namely:*
>
> > *1. Short title, and commencement.- (1) This Order may be called the Targeted Public Distribution System (Control) Order, 2015."*
> >
> > *Under the aforementioned order Section 4(6) of the order has specifically stated that Ration Card shall not be used as a document of identity or proof of residence.*
> >
> > *Rule 4(6) of the said order is reproduced below:*
> >
> > *'4. Ration Cards.-(1) The State Government shall issue Ration Cards to the eligible households as mentioned in the final list specified under sub-clause (12) of clause 3:*
> >
> > *(2) to (5)…….*
> >
> > *(6) Ration Card shall not be used as a document of identity or proof of residence.*
> >
> > *(7) to (20)……"*

15.2. Thus, taking into consideration the order dated 20.03.2015 in Gazette of India: Extraordinary [Part II-SEC 3(1)] "G.S.R. 213 (E)" when the Ration Card cannot be used as a document of identity or proof of residence, therefore, the learned trial Court ought not have relied upon the Ration Card for determining the age of Usman Kanwar.

xx xx xx

16. This Court is, therefore, of the view that Ration Card and Jan Aadhaar card cannot be regarded as conclusive proof of date of birth."

On the contrary, even the Passport (Amendment) Rules, 2025 in Rule 2 recognize death certificate as a valid proof of assessing age of a person. The same is reproduced hereunder:-

PASSPORT (AMENDMENT) RULES, 2025

RULE 2

In the Passports Rules, 1980, in schedule III, in section (IV) relating to documents to be attached with the application, in paragraph (A) Passports, in sub-paragraph 1 for clause (b), the following shall be substituted, namely:-

"(b) Proof of Date of Birth:

(I) In respect of persons born before the 1st October, 2023 (attach one of the following)-

(i) Birth certificate issued by the Registrar of Births and Deaths or the Municipal Corporation or any other authority, empowered under the Registration of Births and Deaths Act, 1969 (18 of 1969); or

(ii) Transfer or school leaving or matriculation certificate issued by the recognized school last attended or recognized educational board having the date of birth of the applicant;

In view of the aforesaid, this Court deems it fit to observe that the learned Tribunal was not justified in treating the ration card as the most reliable piece of evidence for determining the age of the deceased. Rather, the settled position of law is that the best evidence to determine the age of a person would be the school leaving certificate, birth/death certificate issued by the competent authority and the post-mortem report prepared by the medical expert. These documents carry greater evidentiary value as

they are issued by statutory authorities or prepared by medical professionals in the discharge of official duties. Thus, death certificate and post-mortem report (Ex.P2 and Ex.P5 respectively), are considered to be the best evidence which show the age of deceased at the time of death i.e. 19 years. Accordingly, by applying the law laid down in ***"Smt. Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr., (2009) 6 SCC 121,*** multiplier of 18 will be appropriate.

10. In the present case, the appellants/claimants are the parents of the deceased. The learned Tribunal deducted 1/2nd of the income towards personal and living expenses of the deceased in accordance with the law laid down by the Hon'ble Supreme Court in the case of ***"Smt. Sarla Verma's case (supra),*** wherein it was held that the deceased was a bachelor and the claimants were the parents, the deduction follows a different principle and with regard to bachelors, and 50% needs to be deducted as personal and living expenses. Relevant para of the judgment is culled out as under:-

> *"15. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In this regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the parent(s) and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependent and the mother alone will be considered as a dependent. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependents, because they will wither be independent and earning, or married, or be dependent on the father. Thus even if the deceased is survived by parents and siblings, only the mother would be considered to be dependent, and 50% would be treated as the personal and living expenses of the bachelor 50% as the contribution to the family. However, where the family of the bachelor is large and dependent on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or*

brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third."

10.1 From a sociological standpoint, the deceased, being the son of appellants/claimants, would have invariably prioritized setting aside financial resources to look after his parents. In the prevailing social context, where it is increasingly observed that elderly parents are often neglected and left without adequate support by their children, the responsibility of a son towards the care, maintenance and welfare of aged parents assumes even greater legal and social significance. The deceased, therefore, was under a clear moral, social and filial obligation to financially support his dependent parents, and it is reasonable to infer that a substantial portion of his income would have been set apart for their sustenance and welfare, rather than being spent exclusively on his personal needs. Although, the law laid down in ***Sarla Verma's case (supra)*** prescribes that the standard deduction towards personal and living expenses of a bachelor is one-half (1/2nd), the judgment itself clarifies that such deduction is not an inflexible or rigid rule. Relevant extract is reproduced hereunder:-

"But, such percentage of deduction is not an inflexible rule and offers merely a guideline. In Susamma Thomas, it was observed that in the absence of evidence, it is not unusual to deduct one-third of the gross income towards the personal living expenses of the deceased and treat the balance as the amount likely to have been spent on the members of the family/dependants. In ***UPSRTC v. Trilok Chandra [1996(4) SCC 362]****, this Court held that if the number of dependents in the family of the deceased was large, in the absence of specific evidence in regard to contribution to the family, the Court may adopt the unit method for arriving at the contribution of the deceased to his family. By this method, two units is allotted to each adult and one unit is allotted to each minor, and total number of units are determined. Then the income is divided by the total number of units. The quotient is multiplied by two to arrive at the personal living expenses of the deceased. This Court gave the following illustration :*

> *"X, male, aged about 35 years, dies in an accident. He leaves behind his widow and 3 minor children. His monthly income was Rs. 3500. First, deduct the amount spent on X every month. The rough and ready method hitherto adopted where no definite evidence was forthcoming, was to break up the family into units, taking two units for and adult and one unit for a minor. Thus X and his wire make 2+2=4 units and each minor one unit i.e. 3 units in all, totaling 7 units. Thus the share per unit works out to Rs. 3500/7 = Rs. 500 per month. It can thus be assumed that Rs. 1000 was spent on X. Since he was a working member some provision for his transport and out-of-pocket expenses has to be estimated. In the present case we estimate the out-of-pocket expense at Rs. 250. Thus the amount spent on the deceased X works out to Rs. 1250 per month per month leaving a balance of Rs. 3500-1250= Rs. 2250 per month. This amount can be taken as the monthly loss of X's dependents."*

*In **Fakeerappa v. Karnataka Cement Pipe Factory, 2004(2) RCR (Civil) 619 : 2004(2) SCC 473**, while considering the appropriateness of 50% deduction towards personal and living expenses of the deceased made by the High Court, this Court observed :*

> *"What would be the percentage of deduction for personal expenditure cannot be governed by any rigid rule or formula of universal application. It would depend upon circumstances of each case. The deceased undisputedly was a bachelor. Stand of the insurer is that after marriage, the contribution to the parents would have been lesser and, therefore, taking an overall view the Tribunal and the High Court were justified in fixing the deduction."*

In the humble opinion of this Court, the present case stands on exceptional footing and thus, in view of the aforesaid and having regard to the contemporary social realities, and the dependent status of the aged parents, such mechanical application may result in manifest injustice. Accordingly, a just, fair, and reasonable deduction towards personal and living expenses of the deceased is assessed at 40% of his income.

QUESTION OF COMPENSATION UNDER CONVENTIONAL HEADS

11. Furthermore, in view of the judgment of the Hon'ble Apex Court in ***Smt. Sarla Verma's case (supra)***, ***Pranay Sethi's case (supra)*** and ***"United India Insurance Co.Ltd. vs. Satinder Kaur",*** reported as ***(2021) 11 SCC 780,*** compensation awarded under conventional heads are also

required to be assessed accordingly. Appellants/claimants are thus, held entitled for Rs. 18,000/- as compensation under funeral head and Rs. 18,000/- towards loss of estate. Loss of consortium is assessed to the tune of Rs. 96,000/- (Rs. 48,000 x 2) as the appellants, being parents of deceased are also entitled for filial consortium.

CONCLUSION

12. In view of the discussion made herein above, the appellants/claimants are held entitled for the grant of compensation in the following manner:-

S.No.	Nature	Amount (in Rs.)
1.	Annual Income of Deceased	1,07,625/-
2.	Add 40% Future Prospects	43,050/-
3.	Total Income (Rs. 1,07,625 + Rs. 43,050)	1,50,675/-
4.	Deduction (40%)	60,270/-
5.	Net Income (Rs. 1,50,675 – Rs. 60,270)	90,405/-
6.	**Loss of Income after applying multiplier of 18 as per age of 19years (90,405 x 18)**	**16,27,290/-**
7.	**Funeral Expenses**	**18,000/-**
8.	**Loss of Estate**	**18,000/-**
9.	**Loss of Consortium (Rs. 48,000 x 2)**	**96,000/-**
	Total Compensation	**17,59,290/-**
	Amount Awarded by the Tribunal	**8,82,000/-**
	Enhanced compensation	**8,77,290/-**

Accordingly, appellants/claimants shall be entitled to receive above enhanced compensation in the proportion already determined by the learned Tribunal.

13. In the view of the observations made by the Hon'ble Supreme Court in ***"Smt. Supe Dei and others vs. National Insurance Company Limited and other,*** reported as ***(2009) (4) SCC 513*** approved in a subsequent judgment titled as ***"Puttamma and others vs. K.L. Narayana Reddy and another, 2014 (1) RCR (Civil) 443,*** the grant of interest @ 9% per annum on the amount of compensation awarded to the claimants from the date of institution of claim petition till its realization is justified. In case the said amount is not paid within three months, the same shall be payable thereafter along with 12% interest from the expiry of period of three months from today. Needless to mention here that the amount of compensation already paid to the claimant shall be deducted from the enhanced compensation.

14 In view of the aforesaid modification, the present appeal stands disposed of. Pending miscellaneous application(s), if any, shall also stand disposed of.

March 16, 2026 **(HARKESH MANUJA)**
sonika **JUDGE**

(i) Whether reasoned/speaking? Yes

(ii) Whether reportable? Yes