



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.3384 of 2021
Date of Decision: 29.10.2024

Parwinder Kaur and othersAppellants

Versus

Omer Farooq and anotherRespondents

CORAM : HON’BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Ekta Thakur, Advocate
for the appellants.

Mr. Rajbir Singh, Advocate
for respondent No.2/Insurance Co.

PANKAJ JAIN, J. (ORAL)

- Claimants are in appeal seeking enhancement of compensation.
2. Claimants filed claim petition seeking compensation on account of death of their daughter Navneet Kaur, who died in a motor-vehicular accident. Date of accident is 29th of March, 2019 wherein she suffered injuries and thereafter succumbed thereto on 4th of April, 2019.
3. Tribunal answered the issue of rash and negligent driving against the respondent No.1 and in favour of the claimants.

2024:PHHC:146171



4. The primary dispute before this Court is w.r.t. the income of the deceased. Tribunal has assessed the income of deceased @ Rs.5,000/- per month.

5. Counsel for the appellant claims that the deceased was 22 years old young girl. She was working in the office of Red Cross Society, Khanpur, District Mohali and apart therefrom, she was also working at a Beauty Parlour earning more than Rs.15,000/- per month.

6. Though there is no evidence w.r.t. the deceased being employed in the office of Red Cross Society, Khanpur however, certificate issued by National Skill Development Corporation, Exhibit P-4 has been proved on record which shows that the deceased was skilled as a Beauty Parlour Worker. Her being a skilled worker has been certified by National Skill Development Corporation. Thus, in the considered opinion of this Court, the Tribunal ought to have assessed income of the deceased as a skilled worker and should have been guided by the minimum wages notified by the State of Punjab under the Minimum Wages Act, 1948.

7. Counsel for the appellants submits that in terms of the minimum wages notified for a skilled worker in the State of Punjab for the relevant period, salary of the deceased has to be assessed as Rs.10,128.95/- per month.

8. Counsel for the Insurance Company is not in position to dispute the fact that certificate issued by National Skill Development Corporation,

2024:PHHC:146171



Exhibit P-4 has come on record whereby it has been certified that the deceased successfully cleared assessment for the role of Pedicurist & Manicurist conforming to National Skill Development Qualifications Framework Level-3. The claimants also proved on record certificate issued by Jan Sikshan Sansthan, Mohali, a Society sponsored by the Ministry of Human Resources Development certifying that the deceased successfully completed training course in Fabric Painting. It has also come on record that the deceased passed her 10+2 examination in First Division.

9. In view of above, this Court finds that the Tribunal ought to have assessed the income of the deceased in terms of the minimum wages notified by the State of Punjab. Thus, the impugned order needs to be modified to the extent that the salary of the deceased has to be taken @ Rs.10,128.95/- per month. Future prospects shall be as awarded by the Tribunal @ 40%. Deduction of $\frac{1}{2}$ has been rightly applied. Multiplier of 18 has been rightly granted. Amounts awarded under the Conventional Heads of Loss of Estate and Funeral Expenses also needs to be enhanced from Rs.15,000/- to Rs.18,000/- each. Nothing has been paid for Loss of Consortium. In terms of ratio of law laid down by Apex Court in the case of **‘National Insurance Company Limited vs. Pranay Sethi and others’, 2017 (16) SCC 680** both the claimants/parents of the deceased i.e. appellants No.1 & 2 are held entitled for an amount of Rs.48,000/- each for Loss of Consortium. Rate of interest also needs to be enhanced from 6% to 9%.

2024:PHHC:146171



- 10. The impugned award is modified to the aforesaid extent.
- 11. Needless to say any amount already paid to the claimants/appellants in execution of the award shall be set off.
- 12. Instant appeal is disposed off accordingly.

October 29, 2024
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No