



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

Sr. No.143

**FAO-2272-2021
Date of Decision: 12.12.2025**

JINDER KAUR AND OTHERS

....Appellants

Versus

SOM NATH AND ANOTHER

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Vikram Jeet Singh, Advocate
for the appellants.

ARCHANA PURI, J. (Oral)

The appellants/claimants have filed the present FAO for seeking enhancement of compensation, awarded by learned Motor Accident Claims Tribunal, on account of death of Jarnail Singh, in a motor vehicular accident, which took place on 17.02.2019.

Perusal of the impugned Award reveals that liability fastened upon the respondents is joint and several.

As such, notice issued only to respondent No.2-Insurance Company.

At this stage, Mr. Harjinder Singh, Advocate, accepts notice on behalf of the Insurance Company.

Counsel for the parties heard.



As evident from the impugned Award, the deceased-Jarnail Singh, was 50 years old, at the relevant time. Though, he was alleged to be running a tea stall and doing dairy business, but however, no documentary evidence, relating to the same, came forth and in these circumstances, learned Tribunal had considered the monthly earnings of the deceased as Rs.8,000/- per month. Thereupon, the assessment of compensation was made, which is reproduced in tabular form, as hereingiven:-

Earnings assessed	Rs. 8,000
Future Prospect (25%)	Rs. 2,000/-
Total monthly income	Rs.10,000/- (8000 + 2000)
Deduction (1/4th)	Rs. 2,500/-
Loss of dependency (Annual)	Rs. 90,000/- (10,000 – 2500 * 12)
Multiplier applied (13)	Rs. 90,000 * 13 = Rs. 11,70,000/-
Loss of consortium	Rs. 40,000/-
Loss of Estate	Rs. 15,000/-
Funeral expenses	Rs. 15,000/-
Total	Rs.12,40,000/-

In view of the compensation assessed aforesaid, counsel for the appellants submits that since the deceased was running a tea stall, for which, though documentary evidence has not come on record, but however, taking it to be so, even then the earnings of the deceased, taken as an unskilled worker, are on a lower side.

In view of the submissions aforesaid, it is pertinent to mention that it is not disputed that there is oral evidence, coming on record, about the



deceased running the tea stall. In the light of the same, counsel for the Insurance Company agrees for enhancement of wages, to some extent.

In the light of the aforesaid, considering the daily wages, prevalent at the relevant time and immediate subsequent thereto, which was to increase on 01.03.2019 i.e. few days after the death of Jarnail Singh, the earnings of the deceased are now taken as Rs.8,200/- per month, the annual whereof is Rs.98,400/-. Besides the same, on the count of 'future prospects', addition to the extent of 25% i.e. Rs.24,600/- has to be made and as such, the annual earnings are taken as Rs.1,23,000/-. On the count of 'personal expenses' 1/4th i.e. Rs.30,750/-, is deducted and as such, the residue annual earnings are Rs.92,250/-. Considering the age of the deceased, '13' is the suitable multiplier, which has been appropriately applied by learned Tribunal. While applying the same, the compensation works upon as Rs.11,99,250/-.

However, on the count of conventional heads, as per the settled law, the claimants, who are the dependents, are entitled to 'loss of consortium', as per '*National Insurance Company Limited Vs. Pranay Sethi and others*' 2017(4) RCR (Civil) 1009. As per the same, the prevalent amount payable on the count of 'loss of consortium' is Rs.48,400/-. As per '*Magma General Insurance Co. Ltd. V/s. Nanu Ram @ Chuhru Ram and others*' 2018 (4) RCR (Civil) 333, all the dependents are entitled to this extent of amount, on the count of 'loss of consortium' and as such, the said amount comes to be Rs.1,93,600/- (Rs.48,400/- x 4). Besides the aforesaid, the appellants are also entitled for compensation, on the count of 'loss of



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estate’ and ‘funeral expenses’, to the extent of Rs.36,300/- (Rs.18,150/- + Rs.18,150/-).

In the light o the aforesaid, the total compensation, now worked upon, is Rs.14,29,150/- (Rs.11,99,250/- + Rs.1,93,600/- + Rs.36,300/-). The amount awarded by learned Tribunal is Rs.12,40,000/-. After making deduction of the same, the enhanced amount comes to Rs.1,89,150/-. The enhanced amount shall be payable by the Insurance Company, within a period of 45 days, in the form of cheques of proportionate share in the name of the appellants. On the enhanced amount, the appellants shall be held liable to the interest @ 6% per annum, from the date of filing of the appeal. In case of any default on the part of the Insurance Company, to make the payment in the given period, it shall be liable to pay penal interest @ 8% per annum, till realization.

In view of the aforesaid terms, the FAO stands allowed.

12.12.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No