



Sr. No.213

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-1000-2019 (O&M)
Date of decision: 12th September 2025

ANJU @ ANJU KUMARI AND OTHERSAppellants

versus

KULDEEP SINGH AND OTHERSRespondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. B.S. Mittal, Advocate
for the appellants.

Mr. Kartar Singh, Advocate
for respondents No.1 and 2.

Mr. Paul S. Saini, Senior Panel Counsel and
Ms. Alisha Rai, Advocate
for respondent No.3-United India Insurance Co. Ltd.

HARPREET KAUR JEEWAN, J.

1. The present appeal has been preferred by the appellants-claimants aggrieved against the quantum of compensation awarded by the Motor Accident Claims Tribunal, Sirsa (*hereinafter referred to as 'the Tribunal'*), vide Award dated 16.08.2018.
2. Since the factum of the accident is not in dispute, the facts as recorded in the impugned Award, passed by the Tribunal, are not being reproduced herein for the sake of brevity.
3. The Tribunal had awarded the following compensation in the present case:-

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	Rs.6,400/-
2.	Annual income	[Rs.6,400 x 12] = Rs.76,800/-



3.	Deduction (1/4 th)	[Rs.76,800 – Rs.19,200] = Rs.57,600
4.	Future prospects @ 25%	[Rs.14,400 + 57,600] = Rs.72,000/-
5.	Multiplier of ‘14’	[Rs.72,000 x 14] = Rs.10,08,000/-
6.	Funeral expenses, loss of love and affection, loss of estate	Rs.70,000/-
7.	Total Compensation	Rs.10,78,000/-

4. Learned counsel for the appellants-claimants contends that the following points have not been properly determined by the Tribunal while awarding the compensation:-

- a) The income of the deceased has been treated as Rs.6,400/- per month, whereas, as per the Notification of the State of Haryana dated 02.03.2017, bearing No.I.R.-2/7083-7193, the minimum wages for a skilled worker were Rs.10,064/- per month and the minimum wages for an unskilled worker were Rs.8,280/- per month.
- b) Consortium has not been awarded to all the claimants.

5. Learned counsel for respondent No.3-United India Insurance Company Limited, has not disputed the fact that as per the aforesaid Notification by the State of Haryana, the minimum wages for a skilled worker were Rs.10,064/- per month and the minimum wages for an unskilled worker were Rs.8,280/- per month, in the year 2017 when the accident took place. However, it is contended that the deceased was not a skilled worker.

6. Mr. Kartar Singh, Advocate has put in appearance and filed memo of appearance on behalf of respondents No.1 and 2, which is taken on record. He has raised the similar submissions, as raised by the learned counsel for respondent No.3-Insurance Company.

7. I have considered the aforesaid submissions and perused the evidence on record.



8. It is not in dispute that the minimum wages for an unskilled worker at the time of the accident were Rs.8,280/-. The claimants have not led any evidence to prove that the deceased was a skilled worker, as such, the income of the deceased is to be treated as Rs.8,280/- per month instead of Rs.6,400/- per month, as considered by the Tribunal.

9. It is further observed that the Tribunal has awarded a consolidated sum of Rs.70,000/- on account of “Funeral Expenses”, “Loss of Estate” and “Loss of Love and Affection”. This needs to be reworked. There are four claimants. However, the learned Tribunal has not awarded any amount towards “Loss of Consortium” for all the claimants. Therefore, the appellants-claimants are held entitled to an amount of Rs.40,000/- each (Rs.40,000/- x 4 = Rs.1,60,000/-) towards “Loss of Consortium (Spousal, Filial and Parental)” and Rs.30,000/- for Loss of Estate and Funeral Expenses.

10. In terms of the decision of the Hon’ble Apex Court in “National Insurance Company Ltd. vs. Pranay Sethi & Ors”., (2017) 16 SCC 680; “Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors”., (2018) 18 SCC 130 and “N. Jayasree & Ors. vs. Cholanandalam M.S General Insurance Company Ltd.”, 2021(4) RCR (Civil) 642, the compensation is reworked as under:-

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	Rs.8,280/-
2.	Annual income	[Rs.8,280 x 12] = Rs.99,360/-
3.	Deduction 1/4 th	[Rs.99,360 – Rs.24,840] = Rs.74,520/-
4.	Future prospects @ 25%	[Rs.74,520 + Rs.18,630] = Rs.93,150/-
5.	Multiplier of ‘14’	[Rs.93,150/- x 14] = Rs.13,04,100/-
6.	Funeral expenses, loss of love and affection, loss of estate	Rs.30,000/-
7.	Loss of consortium (spousal, filial and parental)	[Rs.40,000/- x 4] = Rs.1,60,000/-



	Total Compensation	Rs.14,94,100/-
	Interest @ 9% per annum	On excess amount

11. The amount in excess of the amount awarded by the Tribunal shall attract interest @ 9% per annum from the date of filing of the claim petition till the realization of the entire amount. However, the appellants-claimants shall not be entitled to any interest for the period of delay in filing the main appeal.

12. In view of the decision by the Hon’ble Supreme Court in “Parminder Singh vs. Honey Goyal & Ors.”, 2025 INSC 361, after calculation of the enhanced amount, the same shall be transferred by respondent No.2-Insurance Company in the Bank Accounts of the claimants-appellants within a period of 06 weeks from today. The particulars of the bank account(s) along with the requisite documents in support thereof shall be furnished by the claimants-appellants to respondent No.2-Insurance company within a period of two weeks from today and needful shall be done by respondent No.3-Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

13. In view of the above discussion, the present appeal is partly allowed and the Award passed by the Tribunal is modified accordingly.

14. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

12th September 2025
simran

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