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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-819-2024 (O&M)
Date of Decision : 16.09.2025

Gulzar Alias Gulzar Masih and Others ... Appellants

Versus

New India Assurance Company Ltd and Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Umesh Kumar Kanwar, Advocate for the appellants.

Mr. Vinod Gupta, Advocate for respondent No.1.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Jalandhar (hereinafter referred to as the 'Tribunal') vide award dated 10.11.2023 on account of death of Paramjit Kaur (hereinafter referred to as the 'deceased').

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 adverted to herein for the sake of brevity.

3. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Annual income	₹60,000
2	Multiplier – 9	[₹60,000 x 9] = ₹5,40,000/-

3	Funeral expenses	₹16,500/-
4	Loss of estate	₹16,500/-
5	Spousal consortium	₹44,000/-
6	Parental consortium	₹44,000/-
	Total Compensation	**₹6,61,000/-**
	Interest	**@ 7.5% per annum**

4. Learned counsel for the claimant-appellants would contend that though he does not challenge the multiplier as applied by the Tribunal, however, he has contended that the deceased in the present case was a homemaker and her income has been assessed as ₹5,000 only. While relying upon the judgment in the case of **Kirti & Anr. Vs. Oriental Insurance Company Ltd. [2021 (1) RCR (Civil) 478]** learned counsel has contended that the income of the homemaker ought to have been assessed as per the minimum wages applicable to a skilled worker at the time of the accident. It is further the contention of the learned counsel for the claimant-appellants that the Tribunal has also not made any addition towards loss of future prospects and that the compensation awarded under the conventional heads as well as under the head 'loss of consortium' is not in consonance with the law laid down by the Hon'ble Supreme Court in the cases of **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. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra*, learned counsel for respondent No.1-Insurance Company has vehemently contended that the deceased in the present case was 60 years of age who would not be contributing as much to the house and to the household activities as a person of a younger age. Hence, the income has

rightly been assessed. It is further the contention of the learned counsel that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

6. Heard.

7. Admittedly, no appeal has been preferred by the Insurance Company. In the present case the deceased was a homemaker aged about 60 years at the time of the accident. The argument of the learned counsel for respondent No.1 that a homemaker at the age of 60 years would not be contributing as much to the household activities as a person of younger age hence she ought not to be considered as a skilled person, deserves to be rejected. The Hon’ble Supreme Court in the case of **Kirti (supra)** has held as under :

> *“42. Therefore, on the basis of the above, certain general observations can be made regarding the issue of calculation of notional income for homemakers and the grant of future prospects with respect to them, for the purposes of grant of compensation which can be summarized as follows:*
>
> > *a. Grant of compensation, on a pecuniary basis, with respect to a homemaker, is a settled proposition of law.*
> >
> > *b. Taking into account the gendered nature of housework, with an overwhelming percentage of women being engaged in the same as compared to men, the fixing of notional income of a homemaker attains special significance. It becomes a recognition of the work, labour and sacrifices of homemakers and a reflection of changing attitudes.*

It is also in furtherance of our nation's international law obligations and our constitutional vision of social equality and ensuring dignity to all.

c. Various methods can be employed by the Court to fix the notional income of a homemaker, depending on the facts and circumstances of the case.

d. The Court should ensure while choosing the method, and fixing the notional income, that the same is just in the facts and circumstances of the particular case, neither assessing the compensation too conservatively, nor too liberally.

e. The granting of future prospects, on the notional income calculated in such cases, is a component of just compensation."

A homemaker, irrespective of her age, contributes immensely to the household activities and does much more. Infact, she performs multiple functions in the house i.e. cooking for the family, cleaning the house, washing clothes and utensils, the list is endless. A homemaker is also a caretaker of her children as well as all the members of the house are taken care of by a homemaker. In view thereof, merely because the age of the deceased was 60 years, the same would not be a ground to not assess her income as that of a skilled person. Accordingly, the income of the deceased would have to be considered as that of a skilled person at the relevant time which was ₹10,855 per month.

8. Since there is no challenge to the multiplier applied by the Tribunal, the same is maintained. The Tribunal has not made any addition towards loss of future prospects. Keeping in view of the age of the deceased

and the law laid down by Hon'ble Supreme Court in case of **Pranay Sethi** (supra), an addition of 10% ought to have been made towards loss of future prospects. The Tribunal has also not applied any deduction. There are 08 claimants in the present case, hence a deduction of 1/5th would be applicable.

9. Further, the argument of learned counsel for the claimant-appellants that the compensation awarded under the conventional heads as well as under the head 'loss of consortium' is not in consonance with the law laid down by the Hon'ble Supreme Court deserves to be accepted. Hence, as per the law laid down by the Hon'ble Supreme Court in the cases of **Pranay Sethi** (supra), **Magma General Insurance Company Limited** (supra) and **N. Jayasree** (supra), the claimant-appellants would be entitled to ₹18,000 (₹15,000 + 20% increase) towards loss of estate and ₹18,000 (₹15,000 + 20% increase) towards funeral expenses. The claimant-appellants, being the children of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

10. Accordingly, the reworked compensation to which the claimant-appellants are entitled is as under :

Sr. No.	**Heads**	**Compensation Awarded**	
1	Monthly Income	₹10,855/-	
2	Annual Income	₹1,30,260/-	[₹10,855 x 12]
3	Deduction - 1/5th	₹1,04,208/-	[₹1,30,260 - ₹26,052]
4	Future Prospects - 10%	₹1,14,629/-	[₹1,04,208 + ₹10,421]
5	Multiplier - 9	₹10,31,661/-	[₹1,14,629 x 9]
6	Loss of estate	₹18,000/-	
7	Funeral expenses	₹18,000/-	
8	Loss of consortium (i) Parental [₹48,000/- x 7] (ii) Spousal	 ₹3,36,000/- ₹48,000/- (Total ₹3,84,000/-)	
	Total Compensation	**₹14,51,661/-**	

11. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

12. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimants within six weeks from today and the apportionment thereof shall be as per the direction of the Tribunal. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimants to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith 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 allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

16.09.2025 **(ALKA SARIN)**
jk **JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO