



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

Sr. No.140

FAO-1502-2019

Date of Decision: 28.11.2025

AMARDEEP AND OTHERS

....Appellants

Versus

FARMAN AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Mr. Manglesh Kumar, Advocate for
Mr. Shakti Mehta, Advocate
for the appellants.

Mr. Lalit Garg, Advocate
for respondent No.3-Insurance Company.

ARCHANA PURI, J. (Oral)

The present appeal has been filed by the appellants/claimants for seeking enhancement of compensation, awarded by learned Motor Accident Claims Tribunal.

On query by this Court, it is disclosed that there is no appeal filed at the instance of the Insurance Company, to assail the impugned Award.

Counsel for the parties heard.

The accident in question had taken place on 22.03.2017 and Seema had died in the said accident. On appraisal of the evidence brought



on record, learned Tribunal, while taking the age of the deceased as ‘35 years’ and also considering the fact of her being a diploma-holder of ‘Yoga Instructor’ and also further though, not specifically taking into consideration the fact of the deceased working as a ‘Stenographer’ with an advocate, at the relevant time, considered the earnings as Rs.8,000/- per month. The compensation worked upon by learned Tribunal, is hereingiven in tabular form:-

Earnings/income	Rs. 8,000 x 12 = Rs. 96,000/-
Multiplier applied (16)	Rs. 96,000 x 16 = Rs. 15,36,000/-
Loss of consortium	Rs. 40,000
Funeral expenses	Rs. 15,000/-
Total	Rs.15,91,000/-

As such, the total compensation was worked upon as Rs.15,91,000/-. The said amount was apportioned amongst the appellants, to the extent of 30% to the husband of the deceased-Amardeep and 35% each to the daughter and son of the deceased, namely, Mannat and Ansh Rana. The liability fastened upon the respondents was joint and several.

After hearing counsel for the parties and also going through the impugned Award, the aforesaid ‘work on’ of compensation, do call for recomputation. As evident from paragraph No.10 of the Award, the deceased was a certified ‘Yoga Teacher’, holding NCC certificate. Even, PW-2, Lalit Gupta, Advocate, was examined, with whom, it was asserted that the deceased was working as ‘Stenographer’. However, the aforesaid testimonies were discarded by learned Tribunal. The earnings of the



FAO-1502-2019

deceased were taken as that of a 'housewife'. Even if it be so, the fact remains that from the evidence brought on record, it is evident that the deceased was an educated lady. There are multifarious duties attended to by the housewife also. Considering the gratuitous duties rendered by her towards the husband, children and various other members, the lady takes care of the house, without any vested interest. As such, the earnings taken as Rs.8,000/- per month, call for enhancement. Weighing the proximate reality, as such, the value of the services of the deceased is taken as Rs.9,000/- per month. Taking it to be so, addition of 40% ought to be made, considering the age of the deceased as '35 years', which is Rs.3,600/-. As such, the monthly earnings are taken as Rs.12,600/-. Looking at the number of dependents, $\frac{1}{3}^{\text{rd}}$ is to be deducted, on the count of 'personal expenses' i.e. Rs.4,200/-. After making the said deduction, loss of dependency works upon as Rs.8,400/- per month, annual whereof is Rs.1,00,800/-. Considering the age of the deceased to be '35 years', '16' is the suitable multiplier. After applying the same, the compensation works upon as Rs.16,12,800/- ($1,00,800 * 16$).

Besides the aforesaid, under the conventional heads also, the compensation awarded calls for enhancement. As per '*National Insurance Company Limited Vs. Pranay Sethi and others*' 2017(4) RCR (Civil) 1009, an amount of Rs.40,000/- was fixed to be paid, on account of 'loss of consortium', which calls for further enhancement of 10% after every 3 years, after pronouncement of the judgment. In the given circumstances, on the count of 'loss of consortium', the amount payable is Rs.48,400/- each. As per '*Magma General Insurance Co. Ltd. V/s. Nanu Ram @ Chuhru Ram*



and others’ 2018 (4) RCR (Civil) 333, all the three dependents are entitled to an amount of Rs.48,400/- i.e. Rs.1,45,200/-. Besides the same, in the similar manner, the amount payable under the count of ‘funeral expenses’ is Rs.18,150/-. Even, the compensation on the count of ‘loss of estate’ has been given amiss by learned Tribunal, which also at present, is to the extent of Rs.18,150/-.

In view of the aforesaid, the compensation now worked upon is hereingiven, in tabular form:-

Earnings assessed	Rs. 9,000
Future Prospect (40%)	Rs. 3,600/-
Total monthly income	Rs.12,600/- (9,000 + 3,600)
Deduction (1/3 rd)	Rs. 4,200/-
Loss of dependency (Annual)	Rs. 1,00,800/- (12,600 – 4,200 * 12)
Multiplier applied (16)	Rs. 1,00,800 * 16 = Rs. 16,12,800/-
Loss of consortium	Rs. 48,400/- * 3 = Rs.1,45,200/-
Funeral expenses	Rs. 18,150/-
Loss of Estate	Rs. 18,150/-
Total	Rs.17,94,300/-

After deducting an amount of Rs.15,91,000/-, which has already been awarded by learned Tribunal, from Rs.17,94,300/-, the appellants are entitled to an enhanced amount of Rs.2,03,300/-. Out of the enhanced amount, an amount of Rs.1,03,300/- be paid to appellant No.1-Amardeep, husband of the deceased and an amount of Rs.50,000/- each, be paid to appellants No.2 and 3. The aforesaid amount shall be payable by the



Insurance Company, within a period of six weeks. 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.

28.11.2025

Himanshu Vats

**(ARCHANA PURI)
JUDGE**

Whether speaking/reasoned : Yes

Whether reportable : Yes/No