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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1584-2023 (O&M)
Date of Decision: 28.11.2025

PARVEEN KUMAR AND ANR. .... Appellants

VERSUS

MOHAMMAD ANIS AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amit Kumar, Advocate for
Mr. Anshumaan Dalal, Advocate
for the appellants.

Mr. Ashwani Talwar, Senior Advocate with
Mr. Deepak Goyat, Advocate
for respondent No.3.

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, Rohtak (hereinafter referred to as the 'Tribunal') vide award dated 02.01.2023.

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.	Monthly income	₹8,000
2.	Deduction 1/3rd	[₹8,000 -₹2,665] = ₹5,335
3.	Annual income	[₹5,335 x 12] = ₹64,020 (rounded off to ₹64,000)
4.	Multiplier of 16	[₹64,000 x 16] = ₹10,24,000
5.	Funeral expenses	₹15,000
6.	Loss of estate	₹15,000
7.	Loss of consortium	₹40,000
	Total Compensation	**₹10,94,000**
	Interest	**@ 6.00% per annum**

4. Learned counsel for the claimant-appellants would contend that the income of the deceased has wrongly been assessed as ₹8,000 per month by the Tribunal which ought to have been assessed as per the minimum wages applicable to a skilled worker i.e. ₹11,235 per month keeping in view the fact that the deceased was running a stitching and training center under the name of 'Sudesh Silai Centre'. It is further contended that even otherwise in the absence of any evidence if the deceased is treated as a homemaker the income would have to be assessed as that of a skilled worker. Reliance is placed upon the judgment of the Hon'ble Supreme Court in **Kirti & Anr. vs. Oriental Insurance Company Ltd. [2021 (1) RCR (Civil) 478]**. Learned counsel would further contend that the multiplier of '16' has wrongly been applied by the Tribunal, whereas it ought to have been '17' keeping in view the age of the deceased being 30 years at the time of the accident. It is further the contention of the learned counsel that no addition has been made towards future prospects which ought to have been 40%. Learned counsel would still further contend that though the claimant-appellants do not challenge the

deduction as made by the Tribunal, however, the amounts awarded under the head 'loss of consortium' and under the conventional heads i.e. loss of estate and funeral expenses are on the lower side. In support of his contentions the learned counsel for the claimant-appellants has relied upon the judgments of the Hon'ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121], 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*, the learned senior counsel appearing on behalf of respondent No.3-Insurance Company has vehemently argued 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. In the present case the Tribunal has assessed the income of the deceased as ₹8,000 per month. Though there is no evidence qua the income being earned by way of stitching, however, even if the deceased was to be considered as a homemaker, the income would have to be assessed as that of a skilled worker. The Hon'ble Supreme Court in the case of **Kirti** (supra), while emphasizing upon the contribution made by a homemaker and the services rendered by a woman in a household, observed that there can be no exact calculation or formula that can ascertain the actual value provided by a homemaker gratuitously. In order to streamline the calculation of notional

income for homemakers and the grant of future prospects with respect to them for the purposes of assessing the compensation, the following principles were laid by the Hon'ble Supreme Court:

> *"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."*

In the present case, considering the extensive contribution of the deceased in the household and in the absence of any evidence regarding her exact income, this Court deems it appropriate to assess the income of the deceased as per the minimum wages applicable to a skilled worker at the relevant point of time, which were ₹11,235 per month. Accordingly, the income of the deceased is assessed as ₹11,235 per month.

8. The Tribunal has though rightly made a deduction to the extent of 1/3rd, however, a multiplier of '16' has wrongly been applied. As per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), multiplier of '17' would be applicable keeping in view the age of the deceased being 30 years at the time of the accident. Further, no amount has been awarded towards future prospects. As per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 40% addition is made towards future prospects.

9. The amount awarded under the conventional heads i.e. loss of estate and funeral expenses and under the head 'loss of consortium' are on the lower side. 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 husband and the son 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 to is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹11,235
2.	Annual income	[₹11,235 x 12] = ₹1,34,820
3.	Deduction 1/3rd	[₹1,34,820 - ₹44,940] = ₹89,880
4.	Future prospects @ 40%	[₹89,880 + ₹35,952] = ₹1,25,832
5.	Multiplier '17'	[₹1,25,832 x 17] = ₹21,39,144
6.	Loss of estate	₹18,000
7.	Funeral expenses	₹18,000
8.	Loss of Consortium : (i) Parental (ii) Spousal	 ₹48,000 ₹48,000 [Total ₹96,000]
	Total Compensation	**₹22,71,144**

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. The amount shall be apportioned between the claimant-appellants as directed by the

Tribunal.

12. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 (SC) 1713]**, after calculation of the enhanced amount, the same be transferred by respondent No.3-Insurance Company in the bank account(s) of the claimant-appellants within a period of six weeks from today. The share of the minor claimant-appellant No.2 shall be kept in an FDR with a nationalized bank fetching maximum rate of interest. The particulars of the bank account(s) along with the requisite documents in support thereof shall be furnished by the claimant-appellants to respondent No.3-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 allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

28.11.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No