



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

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FAO-2657-2021

Date of decision :20.08.2025

SUSHMA AND OTHERS**... APPELLANTS****VERSUS****RINKU AND ANOTHER****...RESPONDENTS****CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL**

Present: Ms. Shivangi Sharma, Advocate for
Mr. Ashwani Gaur, Advocate
for the appellants.

PARMOD GOYAL, J. (ORAL)

Claimants being dissatisfied with the award dated 26.02.2021 passed by Motor Accident Claims Tribunal, Sonipat have sought enhancement of compensation by way of present appeal.

2. Learned Tribunal after considering age of deceased, income of deceased as well as dependency of claimants has awarded the compensation.

3. Admittedly, deceased was working as a home guard and was getting Rs. 17,500/- per month. However, his job was only for 6 months instead of entire year. Accordingly, his income for 6 months was taken @ Rs. 17,500/- and for remaining period, for which he worked as an agriculturist. His income was taken as Rs. 8,850/- being minimum wages of an unskilled workman.

4. In these circumstances, I do not find any error in the findings of learned Tribunal. Learned counsel for the appellant has tried to argued that deceased was an agriculturist and has placed reliance upon jamabandies as well



as Form-J i.e. Ex. P-7, Ex. P-8, Ex. P-4 to Ex. P-6, Ex. P-9 and Ex. P-10 to argue that deceased was earning Rs. 25,000/- per month. However, from these Form-J and copies of jamabandies, in absence of input costs, it cannot be found out as to what was the exact income of the deceased. Moreover, agricultural land continues to produce and it was only labour and efforts put in by deceased which has to be determined and in absence of any other material, the learned Tribunal has correctly taken minimum wages paid to unskilled worker for remaining period of 6 months. No error in income taken by learned Tribunal can be found. Learned Tribunal has rightly granted 40% increased towards future prospects and has calculated dependency as Rs. 26,56,128/-. Again, I do not find any error, same is in consonance with judgments of Hon'ble Supreme Court in *Smt. Sarla Verma and others Vs. Delhi Tansport Corporation and another* 2009(6) SCC 121 and *National Insurance Company Ltd. Vs. Pranay Sethi and others*, 2017 (4) RCR (Civil) 1009.

5. Further more, learned Tribunal has correctly awarded Rs.15,000/- towards loss of estate, Rs. 15,000/- towards funeral expenses and Rs. 40,000/- each of the claimant i.e. 5 claimants for loss of consortium. The compensation awarded to claimant is just compensation in accordance with law. No interference in the present appeal is warranted.

6. Appeal is accordingly dismissed.

20.08.2025
manoj

(PARMOD GOYAL)
JUDGE

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