



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

FAO No.3710 of 2001(O&M)

Date of Order:28.03.2025

Daya Ram (deceased) through LRs and another

..Appellants

Versus

Mahabir Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

**Present: Mr. R.A.Sheoran, Advocate
for the appellants.**

**Mr. Gopal Mittal, Advocate
for respondent no.3-Insurance Co.**

ANIL KSHETARPAL, JUDGE (Oral)

1. This is the claimants' appeal for modification of the award passed by the Motor Accident Claims Tribunal(hereinafter referred to as 'the Tribunal'), while assessing the amount of compensation payable to them on account of death of Sh. Balbir Singh, aged 22 years, on 27.11.1997.

2. The correctness of the findings with regard to the accident and rash and negligent driving and liability of the Insurance Company, are not in dispute.

3. Sh. Balbir Singh was un-married at the time of accident. The Tribunal has assessed the income @ Rs.1250/- per month. The learned counsel representing the appellants submits that the minimum wages for unskilled worker at the relevant time was Rs.1600/- per month. He submits that the income is required to be scaled up by 40% on account of future prospects. He also claims appropriate amount on account of conventional

heads, namely, funeral expenses, loss of estate and loss of consortium.

4. This court has considered the submissions of the learned counsel representing the parties.
5. The income of the deceased is assessed @ Rs.1600/- per month as per the minimum wages notified by the Labour Commissioner. He shall be entitled to 40% increase which comes to Rs.640/- The claimants were parents. Hence, they shall be entitled to loss of consortium @ Rs.40,000/- each. Since, Sh Balbir Singh was unmarried, hence, his dependency is worked out by Rs.1120/- per month(50%).
6. For funeral and loss of estate, the appellants shall be entitled to Rs.15,000/- each.
7. Hence, the amount of compensation is re-worked as under:-

<i>Heads</i>	<i>Compensation awarded by MACT</i>	<i>Compensation awarded by High Court</i>
Minimum wages	Rs.1250/- per month	Rs.1,600/- per month
Future Prospects	--	40%, 1600x40/100=Rs.640/- 1600+640=2240/-
Total Dependency	1/3 rd = 1250x2/5=833.33/-	50%=Rs.2240x2/100=1120/-
Total Income	Rs.833.33x12=10,000/- per annum	Rs.1120x12=13,440/- per annum
Multiplier	5x10,000=50,000/-	18x13,440=2,41,920/-
Funeral Expenses	Rs.2,000/-	Rs.15,000/-
Loss of Estate	Rs.2,500/-	Rs.15,000/-
Consortium	--	Rs.80,000/-
Total compensation	Rs.55,000/-(rounded off)	Rs.3,51,920/-

Compensation Awarded by the High Court :Rs.3,51,920-00

(-) Compensation Awarded by the MACT :Rs. 55,000-00

Enhanced Compensation :Rs.2,96,920-00

8. With these modifications, the appeal is disposed of.
9. The enhanced amount i.e. Rs.2,96,920/- shall carry interest @8% from the date of filing of the claim petition till its realization.

10. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

March 28, 2025
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Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No