IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2142-2021 (O&M)
Date of Decision: November 21, 2025

Mukesh Devi and another

...Appellants

VERSUS

Parveen Kumar and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Deepika, Advocate for
Mr.S.K.Yadav, Advocate
for the appellants.

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ARCHANA PURI, J.

The present appeal has been filed by the appellants, for seeking enhancement of compensation, awarded by learned Tribunal, on account of death of Premsukh, in a motor vehicular accident.

Perusal of the impugned Award reveals that the liability fastened upon the respondents is joint and several.

In the given circumstances, for the time being, notice be issued to respondent-Insurance Company only.

At this stage, Mr. Lovepreet Singh, Advocate, accepts notice for Mr.Sanjeev Kodan, Advocate, on behalf of respondent No.3-Insurance Company.

Counsel for the parties heard.

It is submitted by the counsel for the appellants that the income of the deceased, Premsukh, who was working as motor mechanic, has been taken as Rs.10,000/- per month, which is less than the minimum wages also. Besides the same, also it is submitted that the compensation awarded under the conventional heads, has also been given amiss, while assessing the same.

In view of the aforesaid submissions, this Court has gone through the impugned Award. It is evident that learned Tribunal has categorically observed that the deceased was working as motor mechanic, on the basis of the evidence of Mukesh Devi, PW-5 Abhay Singh and PW-6 Ramesh and therein also, no evidence was coming on record, with regard to the indulgence of the deceased in the agricultural pursuit, as asserted. In the given circumstances, monthly income was taken as Rs.10,000/-, as that of skilled worker and thereupon, calculation was worked upon, which is given in the tabular form, as hereingiven:-

Monthly income	Rs.10,000/-
Addition of 40% on the count of future prospects	Rs.10000+4000=Rs.14,000/-, annual whereof is Rs.1,68,000/-
Deduction of 1/2 deceased being bachelor	Rs.1,68,000-1/2=Rs.84,000/-
Relevant multiplier of '18'	Rs.84,000x18=Rs.15,12,000/-
Funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-
Loss of filial consortium to mother only	Rs.40,000/-
Total	Rs.15,82,000/-

However, the aforesaid '**work on**' of the compensation, do call for re-computation, as per settled prevalent law, as it has been conclusively held by learned Tribunal that the deceased was working as motor mechanic. Even if, it is taken that there is no evidence, as such, coming on record with regard to the extent of income, then also, amount taken as Rs.10,000/- per month is also on lower side, as the minimum wages prevalent were

Rs.10,382/-. Though, the minimum wages, in itself, is not a yardstick to make assessment of the compensation, at the lowest level, but however counsel for the appellant submits that she has no objection, if the monthly income is taken as Rs.10,382/- and further calculation is made on the basis thereof.

Considering the same, the monthly income as such, is taken as Rs.10,382/-. 40% of the same i.e. Rs.4153/- is added on the count of 'future prospects' and thus the monthly income is worked upon as Rs.14,535/-, annual whereof is Rs.1,74,420/-. Also, it is not disputed that the deceased was the bachelor at the relevant time. Considering the same, deduction on the count of 'personal expenses' has to be to the extent of 50%/- and thus, the loss of dependency is taken as Rs.1,74,420-50%=Rs.87,210/-.

As per ***Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77***, the suitable multiplier to be applied is '18' and applying the same, the compensation works out to be Rs.87,210x18=**Rs.15,69,780/-**.

Even, on the count of loss of consortium, an amount of Rs.40,000/- has been given, whereas the appellants are two in numbers and therefore, considering the same, on the count of loss of consortium, both the claimants are entitled to Rs.48,400/- each i.e. Rs.96,800/-. Besides the same, even on the count of 'funeral expenses' and 'loss of estate', Rs.15,000/- each, has been given, without making addition to the extent of 10%, after every three years of passing of the judgment, as per ***National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009***. Therefore, under the aforesaid heads also, the amount stands enhanced to Rs.18,150/- each. Thus, the total compensation to be granted to the appellants-claimants is re-computed, as herein given:-

Loss of dependency	**Rs.15,69,780/-**
Loss of consortium	**Rs.96,800/-**
Loss of estate	**Rs.18,150/-**
Funeral expenses	**Rs.18,150/-**
Total	**Rs.17,02,880-**

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.17,02,880-15,82,000=Rs.1,20,880/-**. On the enhanced amount of the compensation i.e. **Rs.1,20,880/-**, the appellants-claimants, shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation. The enhanced amount of compensation shall be disbursed to the appellants-claimants, in equal shares.

The impugned Award dated 08.02.2021 stands modified, to the extent, as indicated aforesaid.

With the above observations, the present appeal stands allowed.

November 21, 2025 **(ARCHANA PURI)**
Vgulati **JUDGE**

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