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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3708-2019 (O&M)
Date of Decision : 29.09.2025

Karan & Ors ... Appellant(s)

Versus

Satish & Anr ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Deepak Saini, Advocate for the appellants.

Mr. Manjeet Saini, Advocate for respondent No.1.

Mr. R.C. Kapoor, Advocate for respondent No.2.

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, Panipat (hereinafter referred to as 'Tribunal') vide the impugned award dated 07.01.2019 in a motor vehicle accident which occurred on 11.05.2017.

2. Since the factum of the accident is not in dispute, the facts are not being adverted to 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	₹9,000/-
2	Annual Income	₹1,08,000/- [₹9,000 x 12]
3	Deduction - 1/3rd	₹72,000/- [₹1,08,000 - ₹36,000]
4	Multiplier - 7	₹5,04,000/- [₹72,000 x 7]

5	Loss of estate	₹15,000/-
6	Funeral expenses	₹15,000/-
7	Loss of consortium	₹40,000/-
	Total Compensation	**₹5,74,000/-**
	Interest	**7.5%**

4. Learned counsel for the claimant-appellants states that he does not challenge the deduction as applied by the Tribunal. He, however, states that the income of the deceased has wrongly been assessed as per the minimum wage of an unskilled worker inasmuch as the deceased in the present case was a homemaker, hence, her income ought to have been assessed as per the minimum wage of a skilled worker which was ₹9,585/- per month. Learned counsel further states that the age of the deceased has wrongly been taken to be 61 years as per the post-mortem report though the deceased was 60 years at the time of the accident. It is further the contention of the learned counsel that keeping in view the age of the deceased as 60 years, a multiplier of 9 would be applicable and that an addition of 10% ought to have been made towards future prospects. It is further the contention of the learned counsel that the compensation awarded under the conventional heads as well as under the head ‘loss of consortium’ is not in accordance with the law laid down by the Hon’ble Supreme Court. In support of his contentions he has relied upon the judgments of the Hon’ble Supreme Court in the cases of **Kirti & Anr Vs. Oriental Insurance Company Ltd. [2021 (1) RCR (Civil) 478]**, **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* learned counsel for respondent No.2-Insurance Company has contended that in the present case, sans any other evidence on the record qua the age of the deceased, the age of the deceased has rightly been taken as per the post-mortem report (Ex.P2) which is 61 years. It is further the contention of the learned counsel that since the age of the deceased was 61 years at the time of the accident, no loss of future prospects is to be awarded in terms of the decision laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra) and the multiplier of 7 has also rightly been applied by the Tribunal as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra). It is further the contention of the learned counsel that there is no scope of any enhancement.

6. I have heard the learned counsel for the parties.

7. Admittedly, no appeal has been preferred by the Insurance Company. In the present case, the Tribunal has assessed the income of the deceased, who was admittedly a homemaker, as ₹9,000/- per month. A homemaker does much more than a single person can do. Infact, a homemaker performs multiple functions in the house i.e. cooking for the family, cleaning the house, washing clothes and utensils, the list is endless. A homemaker is also a caretaker of her children as well as all the members of the house. The Hon'ble Supreme Court in the case of **Kirti** (supra) has held as under :

> *"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."*

8. The deceased in the present case was a homemaker. The minimum wage applicable for a skilled worker at the time of the accident was admittedly ₹9,585/- per month. Hence, the income of the deceased is assessed as ₹9,585/- per month.

9. In the present case, since no challenge has been laid by the learned counsel for the claimant-appellants to the deduction as applied by the

Tribunal, the same is accordingly maintained.

10. The argument of the learned counsel for the claimant-appellants that the age of the deceased was 60 years cannot be accepted in the absence of any evidence on the record. Since there was no other evidence qua her age, the Tribunal has rightly relied upon the post-mortem report (Ex.P2) and taken the age to be 61 years. Keeping in view the age of the deceased to be 61 years, no loss of future prospects is to be awarded in terms of the decision laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra) and a multiplier of 7 has rightly been applied by the Tribunal as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra). However, the compensation awarded under the conventional heads and under the head 'loss of consortium' is not 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), hence, the claimants would be entitled to ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses and the claimants (three children of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr.No.	Heads	Compensation Awarded
1	Monthly Income	₹9,585/-
2	Annual Income	₹1,15,020/- [₹9,585 x 12]
3	Deduction - 1/3rd	₹76,680/- [₹1,15,020 - ₹38,340]
4	Multiplier - 7	₹5,36,760/- [₹76,680 x 7]
5	Loss of estate	₹18,000/-
6	Funeral expenses	₹18,000/-
7	Loss of consortium (i) Parental [₹48,000/- x 3]	₹1,44,000/-
	Total Compensation	**₹7,16,760/-**

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.

12. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimants within six weeks from today and the apportionment thereof shall be as per the direction of the Tribunal. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimants to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith 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 stands modified accordingly. Pending applications, if any, also stand disposed off.

29.09.2025 **(ALKA SARIN)**
Yogesh Sharma **JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO