212-3 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3906-2002
Date of Decision: 07.11.2025

KULDEEP AND ANR.

....Appellants

Versus

SURESH AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Vishal Garg Narwana, Advocate
for the appellants.

Parmod Goyal, J. (Oral)

Claimants-appellants have preferred the present appeal through their guardian being the minor children of the deceased, Barmati (hereinafter referred to as the '**deceased'**), who died in a road accident which took place on 14.05.1998, on account of rash and negligent driving by Respondent No.1 while driving truck (hereinafter referred to as '**offending vehicle**) bearing registration No.HR-32-0525.

2. Being aggrieved by the impugned award dated 26.03.2002 passed by the Motor Accident Claims Tribunal, Jind (hereinafter referred to as '**Tribunal'**), vide which the appellants were found entitled to total compensation of Rs.1,05,000/-, the appellants are seeking enhancement of compensation awarded by the Tribunal as the same is not according to their entitlement.

3. 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 for herein sake of brevity.

4. The Tribunal in the present case has awarded the following compensation:-

Loss of income, love and affection. Mental pain and agony	Rs.1,00,000/-
Expenses on last rites	Rs.5,000/-
Total Compensation awarded	Rs.1,05,000/-

5. Learned Counsel for the claimants-appellants asserts that in the present case the deceased was a homemaker and the income ought to have been assessed as Rs. 1641 per month which was the minimum wage for an unskilled worker at the time of the accident. It is further the contention that though no deduction was applied in the present case, however, the number of claimants is 2, hence, 1/3rd deduction would be applicable. It is further the contention of the learned counsel that no addition has been made towards future prospects and 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, the learned counsel for the claimants-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 FAO-1503-2021 (O&M)** 3 **SCC 680]; Magma General Insurance**

Company Limited Vs. Nanu Ram alias Chuhru Ram & Ors. 2018 (18) SCC 130; N. Jayasree & Ors. Vs. Cholamandalam M.S General Insurance Company Ltd. 2021 (4) RCR (Civil) 642 and **Kirti & Anr. Vs. Oriental Insurance Company Ltd. 2021 (1) RCR (Civil) 478**.

6. In the present case the Tribunal has not assessed the income of the deceased, who was admittedly a homemaker. A homemaker performs multiple functions in the house and her contribution is not less than an earning member. The Hon'ble Supreme Court in the case of **Kirti** (supra) had 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."*

7. The deceased in the present case was 40 years of age and was a homemaker. The minimum wage for an unskilled worker prevailing at the time of the accident was admittedly Rs.1,641/- per month. Hence, the income of the deceased is assessed as Rs.1,641/- per month. Age of the deceased was admittedly 40 years at the time of accident, hence, 40% future prospects ought to be awarded in terms of the decision laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra). The number of claimants are two, hence, as per the law laid down in the case of **Sarla Verma** (supra), 1/3rd deduction would be applicable. Further, 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 Rs.7,500 towards loss of estate and Rs.7,500/- towards funeral expenses and the claimants i.e. children of the deceased would also be entitled to Rs.15,000/- each towards loss of parental consortium.

8. Accordingly, the reworked compensation to which the claimants– appellants are entitled to is as under:

Income	Rs.1,641/- per month (as per minimum wages)	Rs.1,641/- per month
Future Prospects	40 % (1641+656)	Rs.2,297/-
Deduction	1/3rd (2297-766)	Rs. 1,531/-
Multiplier	15	15
Total loss of dependency	Rs.1,531 x 15 x 12	Rs.2,75,580/-

Loss of Estate		Rs.7,500/-
Funeral Expenses		Rs.7,500/-
Loss of Parental consortium to claimant Nos.1 & 2	Rs.15,000 x 2	Rs.30,000/-
Total Compensation awarded in appeal		Rs.3,20,580/-
Total Compensation awarded by the Tribunal	Rs.1,05,000/-	
Enhanced amount of compensation	Rs.3,20,580/- (as awarded in appeal) – Rs.1,05,000/- (as awarded by the Tribunal)	Rs.2,15,580/-

9. Claimants-appellants shall also be entitled to interest @ 7.5% on the enhanced compensation from the date of filing of claim petition till realization. Apportionment and liability to pay compensation shall be as per the award.

10. 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 claimants-appellants within a period of six weeks from today. The particulars of the bank account(s) along with requisite documents in support thereof shall be furnished by the claimants-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.

11. In view of the above discussion, the award passed by the Tribunal is modified and the present appeal stands allowed accordingly.

Pending applications, if any, also stand disposed of.

(PARMOD GOYAL)
07.11.2025 **JUDGE**
chiranjeev

Whether Speaking/Reasoned : Yes/No
Whether Reportable : Yes/No