



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

FAO-3374-2023 (O&M)
Date of Decision: November 21, 2025

Smt.Saraswati Devi and others

...Appellants

VERSUS

Dharam Vir and another

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Ashish Gupta, Advocate
for the appellants.

Mr.Nigam K. Bhardwaj, Advocate
for respondent No.2.

ARCHANA PURI, J.

The present appeal has been filed for seeking enhancement of compensation awarded by learned Motor Accident Claims Tribunal, on account of death of Vinod Kumar, in a motor vehicular accident.

Perusal of the impugned Award reveals that liability fastened upon the respondents is joint and several. In the given circumstances, for the time being, notice is issued to respondent No.2-insurance company only.

At this stage, Mr.Nigam K. Bhardwaj, Advocate has accepted notice on behalf of respondent No.2-insurance company.

Counsel for the parties heard.

Learned counsel for the appellant submits that he does not dispute about the calculation of the compensation made by learned Tribunal,

on various counts, apart from the extent of earnings of the deceased, which was taken as Rs.9703/- per month, which is below the prevalent minimum wages.

In view of the submissions made aforesaid, it is pertinent to mention that deceased Vinod Kumar, who was 66 years old, was working as goldsmith. It has been so held by learned Tribunal and on this account, he was a skilled worker, whereas, learned Tribunal has assessed the wages, as that of unskilled worker. In the given circumstances, the extent of earnings so taken by learned Tribunal, is on lower side. The minimum wages, in the State of Haryana, at the relevant time was Rs.11,348/- per month for skilled worker. Though, minimum wages, as such, is not a yardstick to make assessment of the earnings, but however, this is very close to the proximate reality, which the Tribunal generally accepts, in the light of no documentary evidence, coming on record, with regard of the earnings of the deceased.

Considering the same, for all intents and purposes, the earnings of the deceased ought to be taken as Rs.11,348/- per month, annual whereof comes to be Rs.1,36,176/-. No addition on the count of 'future prospects' has to be made, as the deceased was 66 years old and suitable multiplier is '5', as per ***Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77*** and the compensation is worked upon as Rs.6,80,880/-. Considering the number of dependents, the deduction has to be made to the extent of 1/4th, i.e. Rs.1,70,220/- and the residue loss of dependency is Rs.6,80,880-1,70,220=Rs.5,10,660/-.

Besides the aforesaid, under the conventional heads, the appellants-claimants are also entitled to compensation as already awarded by learned Tribunal, which is to the extent of Rs.1,76,000/-, on the count of

‘loss of consortium’ and Rs.16,500/-, on each count of ‘funeral expenses’ as well as ‘loss of estate’.

Thus, the total compensation is now worked upon as Rs.5,10,660+1,76,000+16,500+16,500=**Rs.7,19,660/-**.

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.7,19,660-6,45,600=Rs.74,060/-**. On the enhanced amount of the compensation i.e. **Rs.74,060/-**, 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 01.03.2023 stands modified, to the extent, as indicated aforesaid. The liability of the respondents shall remain joint and several to pay the compensation, as now worked upon.

With the above observations, the present appeal stands allowed.

November 21, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No