



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

FAO-6016-2019 (O&M)
Date of Decision: 11.12.2025

Jaswinder Singh and othersAppellants

V/s

Roshan Lal and anotherRespondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Ms. Vibha Nagar, Advocate, for
Mr. Dinesh Nagar, Advocate, for the appellants.

Mr. Punit Jain, Advocate,
for respondent No.2-insurance co.

VIKRAM AGGARWAL, J. (ORAL)

Claimants, who are the husband, one minor daughter and two minor sons of Sarabjit Kaur, who expired in a motor vehicular accident which took place on 05.11.2017 seek enhancement in compensation awarded to them by the Motor Accident Claims Tribunal, Hoshiarpur (for short 'the MACT') vide award dated 09.07.2019 passed in a claim petition instituted by them under Section 166 of the Motor Vehicles Act, 1988 (for short 'the MV Act').

3. Sarabjit Kaur, who was claimed to be 33 years old at the time of the accident, was a house wife and was also involved in agriculture work. Her husband Jaswinder Singh got a call from his mother that she along with her son and her daughter-in-law were standing at the bus stand and that he should come to fetch them. Upon hearing this, Jaswinder Singh and his wife Sarabjit Kaur left for bringing his mother and other relatives to his house. Sarabjit Kaur was on a scooter bearing Regn. No.PB-07-AE-4731 and Jaswinder Singh was following her on his motorcycle bearing Regn. No.PB-

of Village Saidowal, a tractor-trolley (hereinafter referred to as “the offending vehicle”) came from the side of village Mangat. The said tractor trolley was being driven by respondent No.1 (Roshan Lal) at a very high speed and in a rash and negligent manner. It struck against the scooter of Sarabjit Kaur as a result of which, she fell down and expired at the spot. Respondent No.1 fled from the spot. Sarabjit Kaur was taken to Civil Hospital, Dasuya, where she was declared brought dead. FIR No.182 dated 05.11.2017 was registered at Police Station Dasuya under Sections 279, 304A IPC.

4. It was claimed that Sarabjit Kaur was 33 years old at the time of the accident and was a housewife and further used to help her husband in agriculture work. Rs.80,000/- was claimed to have been incurred on last rites and transportation of the dead body etc. Accordingly, a sum of Rs.50 lakhs was claimed as compensation.

5. Respondent No.1 (driver and owner of the offending vehicle) filed his written statement in which, it was averred that a false FIR was registered. It was averred that he was driving the offending vehicle on the correct side of the road at a very normal speed and it was the deceased, who all of a sudden, approached the main road and the accident had taken place on account of her rash and negligent driving.

6. The insurance company filed a separate written statement raising its usual defences and all averments were denied.

7. From the pleadings of the parties, following issues were framed:

- “1. Whether accident took place on 05.11.2017 at around 3.00 p.m. due to the negligence of the respondent No.1?OPP***
- 2. Whether claimants are entitled to the compensation of Rs.50 lakhs from the respondents along with 9% simple interest from date of filing of the claim petition till its realization?OPP***
- 3. Whether the claim petition is not maintainable in the present***

form?OPR

4. Relief.”

8. Parties led their respective evidence.
9. Under issue No.1, it was held that the accident as a result of which, Sarabjit Kaur had expired had taken place on account of rash and negligent driving of the offending vehicle by respondent No.1. On quantum, the age of the deceased was assessed as 33 years old. Considering her as a homemaker and considering the services rendered by her towards her family, her notional income was assessed as Rs.8,000/- per month. The following compensation was awarded:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	33 years
2.	Notional income of the deceased	Rs.8000/- (Rs.96,000/- per annum)
3.	After applying multiplier of ‘16’	Rs.96,000 x 16 =Rs.15,36,000/-
4.	Funeral expenses	Rs.15000/-
5.	Loss of consortium	Rs.40000/-
6.	Loss of Estate	Rs.15000/-
	Total Compensation	Rs.16,06,000/-

10. Seeking enhancement in the said compensation, the present appeal has been filed.
11. I have heard learned counsel for the parties.
12. Learned counsel for the appellants submits that the compensation was not assessed in accordance with law. She submits that the notional income of the deceased was required to be assessed by treating her as a skilled worker and, therefore, the minimum wages for a skilled worker would come to Rs.9245/- per month. She submits that future prospects would also be required to be added @ 40% in the notional income keeping in view that the deceased was 33 years old. She further submits that keeping in view the law laid by the Hon’ble Supreme Court of India in the case

National Insurance Company Limited vs. Pranay Sethi and others, (2017)16 SCC 680, *Smt. Sarla Verma and others vs. Delhi Transport Corporation and another*, (2009) 6 SCC 121 and *Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram*, (2018) 18 SCC 13, as regards claim of filial consortium, it should be awarded @ Rs.48,400/- for each dependant. Compensation under conventional heads i.e. for loss of estate and funeral expenses should also be increased to Rs.18150/- under each head.

13. *Per contra*, learned counsel representing respondent No.3 submits that the compensation has adequately been awarded.

14. I have considered the submissions made by learned counsel for the parties.

15. There is no challenge to the Award by either side on the issue of negligence and only enhancement in compensation is claimed. As regards notional income, it is now well settled that a housewife has to be treated as a skilled worker and minimum wages for a skilled worker have to be taken as the notional income. At the relevant time, as has been submitted by learned counsel, the minimum wages for a skilled worker were Rs.9245/- per month. The notional income of Sarabjit Kaur is, therefore, assessed as Rs.9245/- per month. Further, in terms of the law laid down by the Hon'ble Supreme Court of India, future prospects @ 40% deserve to be added to the notional income of the deceased. There being four family members of the deceased, as such 1/4th deduction would also require to be deducted from the assessed income of the deceased (See *Kirti and another vs. Oriental Insurance Company Limited*, (2021) 2 SCC 166). Further, a sum of Rs.48,400/- to each of the claimants is required to be awarded on account of filial consortium. Still further, for funeral expenses and loss of estate, Rs.18,150/-

for each head is also required to be awarded.

16. Having considered the submissions made by learned counsel for the parties, the compensation is assessed as under, keeping in mind the settled law on the subject:-

Sr. No.	Heads of Claim	Awarded by the MACT	Enhanced Compensation
1.	Age of the deceased	33 years	No change
2.	Notional income of the deceased	Rs.8000/- (Rs.96,000/- per annum)	Rs.9245/-p.m
3.	Future prospects @ 40%	Not granted	Rs.3698/- (Total monthly income Rs.9245/- + 3698= Rs.12943/-)
4.	1/4 th deduction towards personal expenses.	-	Rs.12943/4 = Rs.3235.75
5.	Monthly income dependency after deduction of 1/4 th towards personal expenses	-	Rs.12943-3235.75/- = Rs.9707.25/-
6.	After applying multiplier of '16'	Rs.96,000 x 16 =Rs.15,36,000/-	Rs.9707.25 x 12 Rs.1,16,487/- x 16 = Rs.18,63,792/-
7.	Funeral expenses	Rs.15000/-	Rs.18150/-
8.	Loss of consortium	Rs.40000/-	Rs.1,93,600/- (Rs.48400 x 4)
9.	Loss of Estate	Rs.15000/-	Rs. 18150/-
	Total Compensation	Rs.16,06,000/-	Rs.20,93,692/-

17. The total compensation, therefore, comes to Rs.20,93,692/-. After deducting a sum of Rs.16,06,000/- as assessed by the MACT, the balance compensation comes to Rs.4,87,692/-. This amount would be payable in addition to the amount assessed by the learned MACT along with interest @ 7.5% annually. The disbursal and liability to pay the same would be as per the award.

18. The present appeal is accordingly disposed of.

 Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

December 11, 2025
vcgarg

Whether speaking/reasoned:	Yes/No
Whether reportable:	Yes/No