IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

(i) FAO-2243-2017 (O&M)

SBI General Insurance Company Ltd.

...Appellant

VERSUS

Seema Devi and others

...Respondents

(ii) FAO-3350-2017 (O&M)

Seema Devi and others

...Appellants

VERSUS

Rampal Singh and others

...Respondents

Date of Decision: December 01, 2025

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Manvi Verma, Advocate for
Mr.Rajneesh Malhotra, Advocate
for the appellant (in FAO-2243-2017).

Mr.Ranjit Saini, Advocate
for respondents No.1 to 3 (in FAO-2243-2017) and
for the appellants (in FAO-3350-2017).

Mr.Ram Kumar Saini, Advocate
for respondents No.4 and 5.

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ARCHANA PURI, J.

These are two appeals filed by the rival parties to assail the Award dated 11.01.2017 passed by learned Motor Accident Claims Tribunal, on account of death of Sukhwinder Singh, in a motor vehicular accident.

FAO-2243-2017 has been filed by the insurance company, thereby, seeking reduction of the compensation granted to the claimants, whereas, FAO-3350-2017 has been filed by the appellants-claimants, thereby, seeking enhancement of the compensation.

On appraisal of the evidence, learned Tribunal had concluded about the accident to have taken place on 19.06.2015, on account of rash and negligent driving of dumper bearing registration No.HR-58A-1977, driven by respondent No.1-Rampal Singh, as a result whereof, Sukhwinder Singh had sustained fatal injuries.

It is pleaded case of the claimants that Sukhwinder Singh was 34 years, at the time of accident and he was working as labourer and earning Rs.15,000/- per month. Learned Tribunal, on the basis of material brought on record, considered the deceased to be aged 34 years old, at the relevant time, but however, considering him to be working as labourer, his monthly earnings were taken as Rs.8100/- and the compensation was worked upon, which is reproduced in the tabular form:-

Earnings	Rs.8100/- per month
Addition of 50%, on the count of 'future prospects'	Rs.8100+Rs.4050=Rs.12,150/-
Deduction to the extent of 1/3rd	Rs.12,150-4050=Rs.8100/-
Multiplier of '16'	Rs.8100x12x16=Rs.15,55,200/-
Loss of consortium to claimant No.1	Rs.1,00,000/-
Transportation and funeral expenses	Rs.25,000/-
Loss of care and affection to claimants No.2 and 3	Rs.1,00,000/- each
Total	**Rs.18,80,200/-**

So far as, the age and number of dependents are concerned, the same, as such, is not disputed by learned counsel for the insurance company. Be it noted that the insurance company has also assailed the quantum of compensation.

Now, it is submitted by learned counsel for the insurance company that extent of earnings of the deceased, have been considered on higher side. In fact, while making reference to the minimum wages, prevalent at the relevant time, counsel submitted that the earnings were Rs.5886/- per month and therefore, in any case, the earnings ought to be taken as Rs.5900/- per month, at the maximum.

However, the aforesaid submission is not tenable. No doubt, the minimum wages have been prescribed by the State governments, from time to time, but the minimum wages, as stated in the notification of the relevant time, is not the only yardstick to be taken into consideration. In fact, it is the lowest tier of compensation to be worked upon i.e. the base amount. However, it ought to be taken into consideration that in the labour class, in the age group of 30-45 years, generally, the people, for the well being of their families, tend to do over work. Considering the same, the earnings of the deceased, as taken by learned Tribunal to be Rs.8100/- per month, calls for no further interference. But anyhow, as per the prevalent settled provisions, addition on the count of 'future prospects' made to the extent of 50% is on higher side and it ought to be 40% The deduction to the extent of 1/3rd has been correctly made and multiplier of '16' applied by the Tribunal is also correct, as per ***Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77***.

However, the compensation worked upon under the conventional heads, also calls for re-computation.

In the case in hand, the widow of the deceased has been awarded an amount of Rs.1 lakh, on the count of 'loss of consortium'.

However, this is on a higher side. As per ***National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009***, the amount awarded at the time of passing the judgment was Rs.40,000/-. However, this is clause of enhancement of 10%, after every three years of passing of the judgment. Thus, the compensation now payable is to the extent of Rs.48,400/-. As per ***Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130***, all the dependents are entitled to compensation, on the count of 'loss of consortium', be it 'filial', 'spousal' or 'parental'.

The appeal in hand has been filed by the widow as well as two minor children, who were dependent upon the deceased. As such, all of them are entitled to compensation, on the count of 'loss of consortium'. Thus, each of them are entitled to **Rs.48,400/-**.

Further, it is pertinent to mention that both the children of the deceased have been awarded Rs.1 lakh each, on the count of 'loss of care and affection', but however, as per ***Magma's case (supra)***, the 'loss of love and affection' is comprehended in 'loss of consortium' and no separate amount is to be awarded towards 'loss of care and affection'. Rs.25,000/- awarded towards 'transportation and funeral expenses' is also on higher side. As per ***Pranay Sethi's case (supra)***, the amount payable at the time of passing of the judgment was Rs.15,000/-, with the clause of 10% enhancement, as detailed aforesaid and thus, the amount now payable is **Rs.18,150/-**.

Besides the same, the compensation on the count of 'loss of estate' has been given amiss. However, on this count also, the appellants-claimants are also entitled to prevalent amount of **Rs.18,150/-**.

In view of the aforesaid, the compensation payable to appellants-claimants, on account of death of Sukhwinder Singh, is now re-computed, as herein given:-

Income	Rs.8100
Addition of 40%	Rs.8100+3240=Rs.11,340/-
Deduction of 1/3rd	Rs.11,340-3780=Rs.7560/-, annual whereof is Rs.90,720/-
Multiplier of '16'	Rs.90,720x16=**Rs.14,51,520/-**
Loss of consortium	Rs.48,400x3=**Rs.1,45,200/-**
Loss of estate	**Rs.18,150/-**
Funeral expenses	**Rs.18,150/-**
Total	**Rs.16,33,020/-**

As such, the amount so awarded by learned Tribunal stands reduced from Rs.18,80,200/- to Rs.16,33,020/- and differential amount comes to be **Rs.2,47,180/-**. The impugned Award dated 11.01.2017 stands modified, to the extent, as indicated aforesaid. However, the differential amount of **Rs.2,47,180/-** shall be equally reduced from the share of the appellants-claimants.

With the above observations, the appeal filed by the insurance company i.e. FAO-2243-2017 stands allowed, whereas, FAO-3350-2017 stands dismissed.

December 01, 2025 **(ARCHANA PURI)**
Vgulati **JUDGE**

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