



FAO-2978-2017(O&M)

**231 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****FAO-2978-2017(O&M)
Date of decision:08.04.2025**

Shallu and others

..Appellants

Versus

Sanjay Kumar Yadav and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Wazir Singh, Advocate for the appellants

Mr. Punit Jain, Advocate for the respondents

ANIL KSHETARPAL, J. (Oral)

1. Through this appeal the claimants pray for modification in the award passed by the Motor Accidents Claim Tribunal (hereinafter referred to as 'Tribunal'). Smt. Vijay Rani lost her precious life in a motor vehicular accident on 04.12.2015. She was 42 years old at the time of accident. She left behind one major and two minor children. Though it was claimed that she was employed on behalf of Contractor in Span Autos, however, it has been found that her attendance was marked only for one day i.e 04.12.2015, the date of accident. Hence, the Tribunal proceeded to assess her income at the rate of Rs.4,000/- per month.

2. Heard the learned counsel representing the parties at length and with their able assistance perused the paperbook.

3. Learned counsel representing the appellants submits that even if the deceased is not proved to be gainfully employed but still she is required



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to be treated as skilled worked who was managing her house. A home-maker is required to be treated as a skilled worker. He further submits that minimum wages of the skilled worker on the date of accident were Rs.9238/-. He further claims that the appellants should be granted increase on account of future prospects, loss of estate, funeral expenses and loss of consortium.

4. Per contra, the learned counsel representing the respondents submits that the claimants have themselves claimed that the deceased was working on a salary of Rs.7600/-. Hence, her income cannot be taken more than Rs.7600/- per month.

5. This Court has considered the submissions made by the learned counsel representing the parties.

6. Even if it is assumed that the deceased was working on salary of Rs.7600/- but after office work, she was expected to manage the house. A mother of three children will have to manage the house. Hence, her total income cannot be treated less than that of a skilled worker. On account of personal expenses, there will be a deduction of 1/3rd. Increase in income on account of future prospects will be 25%. Keeping in view the age of the deceased, multiplier of 14 shall be applicable. For loss of estate and funeral expenses, the appellants shall be entitled to an amount of Rs.15,000/- each. For loss of consortium, the claimants will be entitled to Rs.40,000/- each. The compensation is re-assessed as under:-

Heads	Amount awarded by Tribunal	Amount awarded by High Court
Monthly income	4000	9238
Future prospects	-	25% 25% of 9238 = 2310



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		9238+2310= 11,548/- per month
Dependency	1/3rd	1/3rd 11548/3 = 7698.67
Multiplier	14	14
Annual income		7698.67 x 12 x 14 = 12,93,376/-
Consortium	Nil	40,000x3 = 1,20,000/-
Loss of estate	Nil	15,000
Funeral expenses	Nil	15,000
Expenses for transportation of body	10,000	Nil
Total compensation	6,82,000/-	14,43,376/-

7. The claimants shall be entitled to the enhanced compensation
alongwith interest at the rate of 9% per annum from the date of filing of the
claim petition till its payment.
8. The recovery rights given to the Insurance Company are
maintained.
9. The appeal stands disposed of.
10. All the pending miscellaneous applications, if any, are also
disposed of.

(ANIL KSHETARPAL)
JUDGE

08.04.2025

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Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No