



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

Sr. No.134**FAO-2561-2018****Date of Decision: 26.11.2025****SHIV KUMAR AND OTHERS****....Appellants****Versus****RAKESH KUMAR AND OTHERS****.....Respondents****CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI**

Present:- Mr. Vaibhav Prashar, Advocate for
Mr. B.B. Sharma, Advocate for the appellants.

ARCHANA PURI, J. (Oral)

Perusal of the mediation report reveals that case remained non-starter. However, paperbook reveals that till date, no notice has been issued.

Appellants have filed the present appeal for seeking enhancement of compensation.

Perusal of the impugned Award reveals that liability is joint and several. In the given circumstances, notice issued only to Insurance Company.

At this stage, Ms. Jasleen Kaur, Advocate, appears on behalf of the Insurance Company and filed Power of Attorney, which is taken on record.

Heard.

The claim petition was filed by Shiv Kumar and his sons, for seeking compensation, on account of death of Usha Devi, in a motor vehicular accident.



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As per version put forth, the accident had taken place on 12.04.2015, on account of rash and negligent driving of the bus bearing No.HR-37C-5325, driven by respondent No.1, Rakesh Kumar. The liability fastened upon the respondents is joint and several.

On appraisal of the evidence brought on record, learned Tribunal, while considering the deceased to be 46 years old, had assessed the earnings as Rs.5,000/- per month and applied the multiplier of 13. Besides the same, under the conventional heads, compensation awarded was Rs.70,000/-. Also, on account of medical bills, another amount of Rs.31,548/-, was awarded. The total compensation was awarded as Rs.8,81,548/-.

However, the requisite 'work on' of the compensation, as per the settled prevalent law, do call for recomputation. The amount of earnings as taken by learned Tribunal is less than the minimum wages, existing at the relevant time. As per the prevalent notification of the Haryana Government, the minimum wages were Rs.5886.67 per month, for the unskilled worker. However, considering the extent of gratuitous services of housewife, rendered towards her family is children and her husband and multifarious duties performed by her, in the minimum, her notional earnings are taken as Rs.6,000/- per month. To the said amount, 25% i.e. Rs.1500/-, is to be added on the count of 'future prospects'. Thus, the monthly earnings work on as Rs.7500/-. 1/3rd is to be deducted on the count of 'personal expenses' and while doing so, the amount comes to be Rs.5,000/- per month, the annual whereof is Rs.60,000/-. Looking at the age of the deceased to be 46 years,



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as concluded by learned Tribunal, the loss of dependency is worked upon as Rs.7,80,000/-.

Besides the aforesaid, on the count of loss of consortium, the prevalent amount payable, as per the the judgment passed in '*National Insurance Company Limited Vs. Pranay Sethi and others*' 2017(4) RCR (Civil) 1009, calls for 10% enhancement, after every three years i.e. Rs.48,400/-. Thus, on this count, all the appellants are entitled to the amount of Rs.48,400/-, total whereof comes to be Rs.1,45,200/-. Besides the same, in the similar manner, on the count of funeral expenses and the loss of estate, another amount of Rs.18,150/- is awarded. Thus, the compensation is Rs.9,61,500/-.

Besides the aforesaid amount of Rs.9,61,500/-, the addition on the count of medical expenditure, as per the bills proved in evidence, which are Annexures P-7 to P-30, the amount comes to be Rs.31,548/-. Thus, the total compensation now works upon as Rs.9,93,048/-.

The enhanced amount of Rs.1,11,500/- (9,93,048 – 8,81,548/-) be disbursed to the appellants, in accord with the apportionment, as awarded by learned Tribunal. The liability shall be joint and several. The Insurance Company shall make the payment of the enhanced amount, within a period of six weeks from today onwards, failing which it shall be entitled to the penal interest @ 6% per annum, till realization.

In view of the aforesaid terms, the FAO is allowed.

26.11.2025

Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No