



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

FAO-3315-2018 (O&M)
Date of Decision: December 09, 2025

Smt.Lajwanti and others

...Appellants

VERSUS

Chander Pal @ Chhinder and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Amit Choudhary, Advocate
for the appellants.

ARCHANA PURI, J.

The present appeal has been filed by the appellants, for seeking enhancement of compensation, awarded by learned Tribunal, on account of death of Pawan Kumar, in a motor vehicular accident.

Perusal of the impugned Award reveals that the liability fastened upon the respondents is joint and several. In the given circumstances, for the time being, notice is issued to respondent No.3-Insurance Company only.

At this stage, Mr.R.C.Gupta, Advocate, accepts notice on behalf of respondent No.3-Insurance Company.

Counsel for the parties heard.

So far as, factum of the accident and manner of taking place of the same is concerned, the same is not disputed by the insurance company.

No counter appeal, as such, has also been filed by the insurance company.

On appraisal of the evidence, brought on record, it was concluded by learned Tribunal that the accident had taken place on 14.05.2017, due to rash and negligent driving of truck bearing registration No.HR-21F-0460, being driven by respondent No.1-Chander Pal @ Chhinder. As a result of this accident, Pawan Kumar had died.

It is the pleaded case of the appellants-claimants, about the deceased to be 24 years old, at the relevant time and he was a painter and his monthly earnings were Rs.20,000/-.

However, on account of scanty evidence, coming on record, with regard to the vocation followed by the deceased as well as qua his earnings, learned Tribunal, had assessed the earnings of the deceased to be Rs.6000/- per month. Considering him to be 24 years old, at the relevant time as well as considering the number of dependents to be three, learned Tribunal had worked upon the compensation, which is now reproduced in tabular form, as herein given:-

Income	Rs.6,000/- per month
Addition of 40%	Rs.6000+2400=Rs.8400/-
Deduction of 1/3rd	Rs.8400-2800=Rs.5600/-
Multiplier of ‘18’	Rs.5600x12x18=Rs.12,09,600/-
Loss of estate	Rs.15,000/-
Loss of consortium	Rs.40,000/-
Funeral expenses	Rs.15,000/-
Total	Rs.12,79,600/-

However, it is submitted by learned counsel for the appellants-claimants that earnings, which were assessed by the Tribunal, were much below the minimum wages, prevalent at the relevant time. As per the notification, existing at the relevant time, the minimum wages for unskilled

worker was Rs.8280/- per month. Given the same, in the minimum, while making assessment of the compensation, this extent of wages ought to be taken into consideration. While taking it to be so, the loss of dependency calls for re-computation.

Considering the same and also taking into consideration, the amount awarded, on the count of ‘loss of consortium’, also calls for enhancement, as per *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, and further all the appellants-claimants are entitled to compensation, on the count of ‘loss of consortium’ as per *Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130*. As per *Pranay Sethi’s case (supra)*, the base amount fixed was Rs.40,000/- on this count. However, with the clause of enhancement of 10%, after every three years, since passing of the judgment, the amount now payable on this count is Rs.48,400/- per dependent. Besides the aforesaid, on the count of ‘loss of estate’ and ‘funeral expenses’, the requisite addition has to be made and the amount now payable is **Rs.18,150/-** on each count.

Thus, the total compensation to be granted to the appellants-claimants is re-computed in tabular form, as herein given:-

Income	Rs.8280/- per month
Addition of 40%	Rs.8280+3312=Rs.11,592/-
Deduction of 1/3rd	Rs.11592-3864=Rs.7728/-
Multiplier of ‘18’	Rs.7728x12x18= Rs.16,69,248/-
Loss of consortium	Rs.48,000x3= Rs.1,45,200/-
Loss of estate	Rs.18,150/-
Funeral expenses	Rs.18,150/-
Total	Rs.18,50,748/-

As such, the enhanced compensation, after the deduction of

compensation awarded by the Tribunal comes to be **Rs.18,50,748-12,79,600=Rs.5,71,148/-**. On the enhanced amount of the compensation i.e. **Rs.5,71,148/-**, 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 10.01.2018 stands modified, to the extent, as indicated aforesaid.

With the above observations, the present appeal stands allowed.

December 09, 2025
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No