239

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3450-2018 (O&M)
Date of Decision : 22.12.2025

Amar Singh ... Appellant(s)

Versus

Manjit Singh @ Manna & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. C.L. Verma, Advocate for the appellant.

Ms. Veena Ashwani Talwar, Advocate and
Mr. Deepak Goyat, Advocate for respondent No.4.

<u>ALKA SARIN, J.</u> (Oral)

1. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Amritsar (hereinafter referred to as 'Tribunal') vide the impugned award dated 01.09.2017 in a motor vehicle accident which occurred on 30.12.2015.

2. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

3. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly notional Income	₹3,000/-
2	Annual Income	₹36,000/- [₹3,000 x 12]
3	Multiplier - 7	₹2,52,000/- [₹36,000 x 7]
4	Funeral expenses	₹25,000/-

5	Loss of consortium	₹1,00,000/-
6	**Total Compensation**	**₹3,77,000/-**
	Interest	**9%**

4. Learned counsel for the claimant-appellant states that he does not challenge the multiplier as applied by the Tribunal as well as the compensation awarded towards loss of consortium and funeral expenses. He, however, states that the deceased in the present case was a homemaker and that her income has been assessed on the lower side. Learned counsel for the claimant-appellant would further contend that the income of the deceased ought to have been assessed as ₹8,612/- per month which was the minimum wage for a skilled worker at the time of the accident. It is further the contention of the learned counsel that no amount has been awarded towards loss of estate. In support of his contentions, learned counsel for the claimant-appellant has relied upon the judgments of the Hon'ble Supreme Court in the cases of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]; Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]; N. Jayasree & Ors. vs. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]** and **Kirti & Anr. vs. Oriental Insurance Company Ltd. [2021(1) RCR (Civil) 478]**.

5. *Per contra*, learned counsel for respondent No.4-Insurance Company has vehemently contended that the Tribunal has wrongly omitted to apply deduction which in the present case ought to have been 1/3rd keeping in view the number of claimants. It has further been contended that sufficient amount of compensation has already been granted and there is no scope of any further enhancement. In support of her contention, she has relied upon the

judgment of the Hon'ble Supreme Court in the case of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]**.

6. I have heard learned counsel for the parties.

7. In the present case the Tribunal has assessed the income of the deceased, who was admittedly a homemaker, as ₹3,000/- per month. A homemaker does much more than a single person can do. Infact, a homemaker performs multiple functions in the house i.e. cooking for the family, cleaning the house, washing clothes and utensils, the list is endless. A homemaker is also a caretaker of her children as well as all the members of the house. The Hon'ble Supreme Court in the case of **Kirti** (supra) has held as under :

> " 42. Therefore, on the basis of the above, certain general *observations can be made regarding the issue of calculation of notional income for homemakers and the grant of future prospects with respect to them, for the purposes of grant of compensation which can be summarized as follows:*
>
> > *a. Grant of compensation, on a pecuniary basis, with respect to a homemaker, is a settled proposition of law.*
> >
> > *b. Taking into account the gendered nature of housework, with an overwhelming percentage of women being engaged in the same as compared to men, the fixing of notional income of a homemaker attains special significance. It becomes a recognition of the work, labour and sacrifices of homemakers and a reflection of changing attitudes.*

It is also in furtherance of our nation's international law obligations and our constitutional vision of social equality and ensuring dignity to all.

c. Various methods can be employed by the Court to fix the notional income of a homemaker, depending on the facts and circumstances of the case.

d. The Court should ensure while choosing the method, and fixing the notional income, that the same is just in the facts and circumstances of the particular case, neither assessing the compensation too conservatively, nor too liberally.

e. The granting of future prospects, on the notional income calculated in such cases, is a component of just compensation."

8. The deceased in the present case was admittedly 65 years of age and was a homemaker. The minimum wage for a skilled worker prevailing at the time of the accident was admittedly ₹8,612/- per month. Hence, the income of the deceased is assessed as ₹8,612/- per month. On the aspect of future prospects, the age of the deceased was admittedly 65 years at the time of the accident, hence, no loss of future prospects is to be awarded in terms of the decision laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra).

9. In the present case, admittedly, no appeal has been preferred by the Insurance Company. Since no challenge has been laid down by the learned counsel for the appellant to the multiplier as well as the compensation awarded towards loss of consortium and funeral expenses, the same are accordingly

maintained. The Tribunal has not applied any deduction. In the present case, the number of claimant is one, hence, as per the law laid down in the case of **Sarla Verma** (supra), 1/3rd deduction would be applicable. Further, no amount has been awarded towards loss of estate, hence, as per the law laid down by the Hon'ble Supreme Court in the cases of **Pranay Sethi** (supra), **Magma General Insurance Company Limited** (supra) and **N. Jayasree** (supra), the claimant-appellant would be entitled to ₹18,000/- (₹15,000+20% increase) towards loss of estate. Accordingly, the reworked compensation is as under :

Sr.No.	Heads	Compensation Awarded	
1	**Monthly Income**	₹8,612/-	
2	**Annual Income**	₹1,03,344/-	[₹8,612 x 12]
3	**Deduction - 1/3rd**	₹68,896/-	[₹1,03,344 - ₹34,448]
4	**Multiplier - 7**	₹4,82,272/-	[₹68,896 x 7]
5	**Loss of estate**	₹18,000/-	
6	**Funeral expenses**	₹25,000/-	
7	**Loss of consortium**	₹1,00,000/-	
8	**Total Compensation**	**₹6,25,272/-**	

10. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

11. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account of the claimant within six weeks from today. The particulars of the bank account alongwith the requisite documents in support thereof shall be furnished by the claimant to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification

thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

12. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal stands modified accordingly. Pending applications, if any, also stand disposed off.

22.12.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO