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

**FAO No.7568 of 2017 (O&M)
Date of decision : 14.05.2025**

Tata AIG General Insurance Co. Ltd.

....Appellant

Versus

Smt. Bhateri and others

...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Ms. Manvi Verma, Advocate and
Mr. Rajneesh Malhotra, Advocate for the appellant.

Mr. S.K. Yadav, Advocate for respondents No.1 & 2.

Mr. J.P. Sharma, Advocate for respondents No.3 & 5.

PANKAJ JAIN, J. (ORAL)

Insurance Company is in appeal.

2. Primary grievance raised by the appellant is w.r.t. to assessment of monthly wages of the deceased, who was working as Mason.

3. Counsel for the appellant submits that in the absence of there being any evidence regarding monthly income of the deceased, the Tribunal relied upon the minimum wages notified by State. However, the same have been wrongly taken to be Rs.9,880/- per month whereas, as per the notification issued by State of Haryana for the relevant period i.e. the date of accident (14.10.2015), the minimum wages notified for Mason is Rs.6,276.76/- per month.



4. In view of above, the monthly income of the deceased is taken to be Rs.7,000/- per month. 40% future prospects need to be added. Deduction of 1/2 needs to be applied keeping in view that the deceased was 21 years of age at the time of accident and was a bachelor. In view of ratio of law laid down by Supreme Court in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another, (2009)6 SCC 121**, multiplier of 18 has been rightly applied. Both the claimants are further entitled for loss of consortium @ Rs.48000/- each i.e. Rs.96,000/-. Rs.18000/- are awarded for funeral expenses. Rs.18,000/- are awarded for loss of estate. The claimants shall be entitled for interest @ 7.5% per annum on the enhanced amount, from the date of filing of the claim petition till the actual date of realization.
5. Needless to say, amount already paid to the claimants shall be set off.
6. With the aforesaid modification in the impugned award, instant appeal is disposed off.
7. Pending application, if any, shall also stand disposed off.

May 14, 2025
Dpr

(Pankaj Jain)
Judge

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No