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

**FAO-6875-2018(O&M)
Reserved on: 26.08.2025
Date of decision:28.08.2025**

Raj Rani and another ..Appellants

Versus

Jarnail Singh and others ..Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Ms. Ekta Thakur, Advocate
for the appellants

Service of respondents no. 1 to 4 is dispensed with
vide order dated 21.11.2019

Mr. Vinod Gupta, Advocate
for respondent No.5- Insurance Company

MANDEEP PANNU, J.

1. This is claimants' appeal against the award dated 16.02.2018 passed by the Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'Tribunal') with a prayer to modify the amount of compensation. The Tribunal has awarded compensation of Rs.9,41,000/- on account of death of Gurnam Singh, in a vehicular accident, which took place on 22.12.2014. The claim petition has been filed on behalf of his widow and minor son. There is no dispute with regard to the correctness of the findings recorded by the Tribunal regarding death of Gurnam Singh in the aforesaid vehicular accident as well as the fact that the deceased died due to rash and negligent driving by Driver of the truck, bearing registration plate no. HR-55U/0351. Hence, the only issue is with regard to quantum of compensation.

2. Since the factum of the accident is not in dispute, therefore, for the sake of brevity, the facts, as recorded by the Tribunal, in the impugned award, are not being reproduced herein.

3. The compensation awarded by the Tribunal is tabulated as under:-

Sr. No.	**Heads**	**Compensation awarded**
1.	Income per annum (6700x12)	80,400/-
2.	Deduction for personal & Living expenses (1/3rd of 80,000 = 26800)	80,400-26,800= 53,600
3.	Multiplier	13 53600x13 = 6,96,800/-
4.	Loss of consortium	40,000/-
5.	Loss of estate	15,000/-
6.	Funeral expenses	15,000/-
7.	Future prospects @ 25%	1,74,200/-
	Total	**Rs.9,41,000/-**

4. Learned counsel for the claimants-appellants submits that she does not challenge findings of the Tribunal with regard to grant of future prospects, deduction as well as multiplier applied. However, she submits that the Tribunal has erred in assessing the income of the deceased as Rs.6,700/- per month as per the minimum wages for an unskilled worker in the year 2014 whereas deceased, being an agriculturist, was required to be considered at par with a skilled worker. There is no doubt that even after death of the deceased, the land remained with the claimants-appellants, however, they (being widow lady and minor child) would need to employ a manager to look

after the said land. The minimum wages for a skilled worker at the relevant time were Rs.8337/- per month and, hence, the income of the deceased ought to have been assessed as Rs.8337/- per month. She further submits that the amounts awarded by the Tribunal under the heads 'funeral expenses', 'loss of estate' and 'loss of consortium' are not as per the law laid down by the Hon'ble Supreme Court in the cases of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680] and Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]**

5. Per contra, learned counsel for respondent No.5-Insurance Company has vehemently argued that sufficient amount towards compensation has already been awarded by the Tribunal and there is no scope for enhancement.

6. This Court has considered the submissions made by the learned counsel for the parties.

7. Since no challenge has been laid down by the learned counsel for the appellants to the future prospects, deduction as well as multiplier as applied by the Tribunal, the same are accordingly maintained.

8. However, while assessing the income of the deceased as Rs.6,700/- per month, the Tribunal has treated him as an unskilled worked whereas he ought to have been considered as a skilled worker, being an agriculturist, possessing land. Moreover, after death of the deceased, there is, however, a possibility that the claimants-appellants

(being widow lady and minor child) may be required to engage some persons to look after cultivation of the agricultural land. Furthermore, farming is a skill and knowledge of the ancestors, which is handed down from one generation to another, making a farmer skilled enough for tilling his fields. Therefore, income of deceased ought to be assessed as that of a skilled worker, which, at the relevant point of time, was Rs.8337/- per month. Hence, his monthly income is assessed as Rs.8337/-. Furthermore, the claimants-appellants would be entitled to Rs.18,000/- each towards loss of estate and funeral expenses as well as Rs.48,000/- each towards loss of consortium, in view of the law laid down by the Hon'ble Supreme Court in the cases of **Pranay Sethi's case (supra)** and **Magma General Insurance Company Limited's case (supra)**.

9. Accordingly, the compensation is re-assessed as under :

Sr.No.	**Heads**	**Compensation awarded**
1.	Monthly income	8337/-
2.	Annual income	8337x12 = 1,00,044/-
3.	Deduction 1/3rd	66,696/- 100044/3 = 33,348/- [100044 -33348 = 66,696]
4.	Future prospects @ 25%	83,370/- [66,696+16,674 = 83,370]
5.	Mutiplier 13	10,83,810/- [83370x13 =10,83,810]
6.	Loss of estate	18,000/-
7.	Funeral expenses	18,000/-
8.	Lost of consortium (i) Spousal's (ii) Son	96,000 [48000x2 = 96,000]
	Total Compensation	**12,15,810/-**

10. The claimants-appellants shall be entitled to difference in amount of compensation alongwith interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realization.

11. Accordingly, the appeal stands disposed of.

12. All the pending miscellaneous applications, if any, are also disposed of.

(MANDEEP PANNU)
JUDGE

28.08.2025
rekha

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