

FAO-437-2020 (O&M)

2025:PHHC:145/23



122 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-437-2020 (O&M)

Date of decision : 15.10.2025

Shivkanwar Jot Singh & anr.

..... Appellants

Versus

Shivraj Rao & ors.

..... Respondents

CORAM : HON'BLE MR.JUSTICE PANKAJ JAIN

Present :- Mr. Gurmandeep Singh Dhillon, Advocate for
Mr. Karanjeet Singh Brar, Advocate
for the appellants.

Mr. Vinod, Advocate
for respondent No.3-Ins. Co.

PANKAJ JAIN, J. (ORAL)

CM-435-CII-2020

This is an application for condonation of delay of 116 days in
filing the present appeal.

For the reasons recorded in the application, this Court is
satisfied that the applicants-appellants have shown sufficient cause to
condone the delay in filing the appeal.

Application is allowed. Delay of 116 days in filing the appeal
is condoned.

Main case

1 Claimants are in appeal seeking enhancement of compensation
awarded by Motor Accident Claims Tribunal, Fazilka vide award dated
13.03.2019.



2 Claimants filed claim petition seeking compensation on account of death of Davinder Kaur in a motor vehicular accident dated 01.06.2015. Davinder Kaur died at the age of 29 years leaving behind husband-appellant No.1 and a minor son-appellant No.2. The Tribunal has assessed income of Davinder Kaur notionally as Rs.6,000/- per month holding that though it was proved that she was earning but the claimants could not prove her exact income.

3 Counsel for the appellants seeks enhancement of compensation raising dispute regarding assessment of income.

4 This Court, in ***United India Insurance Company Limited vs. Poonam Devi and others, FAO-6400-2023, decided on 04.11.2024***, while assessing the notional income of a homemaker, observed as under :-

“xxx xxx This Court in the case of United India Insurance Co. Ltd vs. Sube Singh and others, passed in FAO No. 218-2014 while dealing with the issue of income of homemaker for the purpose of compensation under MACT held as under:-

“while dismissing the appeal filed by the Insurance Company against the award of the Tribunal wherein the Tribunal took the income of a house wife at Rs.9000/- per month, held that to tag a house wife as skilled labour alone does not do complete justice to her multifarious role as home manager. House wife is something more than mere skilled worker and it would not be unreasonable to estimate contribution of deceased at higher figure. The SLP filed against the said judgment has also been dismissed.

12. Thus, income of the deceased, who was a homemaker has to be assessed at Rs.10,000/- per month. An element of 40% future prospects needs to be added. Thus, in the considered opinion of this Court even if the compensation awarded by the Tribunal is recalculated it would not make substantial difference in the same quantitatively.”



5 In view of aforesaid observations, the income of the deceased Davinder Kaur is deemed to be Rs.15,000/- per month. 1/4th deduction needs to be applied. Multiplier of 17 has been rightly applied by the Tribunal. In view of ratio of law laid down by Supreme Court in the case of *National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009*, 40% of future prospects need to be added. Each of the claimants shall also be entitled for loss of consortium @ Rs.48,000/-. The claimants are also entitled for Rs.18,000/- for loss of estate and Rs.18,000/- for funeral expenses. The claimants are held entitled to interest @ 7.5% per annum from the date of filing of the claim petition till the date of actual realization. Anything already paid to the claimants needs to be set off.

6 Appellant No.1 shall be entitled to 40% of the awarded compensation. 60% of the compensation shall be payable to appellant No.2. Share of appellant No.2 shall be deposited in FDR with the nationalized bank and shall be paid to appellant No.2 on attaining majority.

7 With the aforesaid modification in the impugned award, the appeal is ordered to be disposed off.

8 Pending miscellaneous application, if any, also stands disposed off.

15.10.2025
Pooja Sharma-I

(PANKAJ JAIN)
JUDGE

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