



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

Sr. No.168

FAO-395-2023

Date of Decision: 27.11.2025

MONIKA AND OTHERS

....Appellants

Versus

AMAR JEET AND OTHERS

.....Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present:- Ms. Neeraj Saini, Advocate
for the appellants.

ARCHANA PURI, J. (Oral)

Perusal of the impugned Award reveals that liability fastened upon the respondents is joint and several.

In the given circumstances, at this stage, for the time being, notice issued only to respondent No.3-Insurance Company.

At this stage, Mr. Nigam K. Bhardwaj, Advocate, accepts notice on behalf of the Insurance Company.

There is scope for enhancement in the present case.

Counsel for the parties heard.

The accident in question had taken place on 18.10.2020. On appraisal of the evidence, it was concluded to have taken place, on account of rash and negligent driving of the offending vehicle, driven by respondent No.1-Amar Jeet. It was the pleaded case of the appellants about the deceased-Parveen Kumar, to be working as an 'Electrician' and earning

Rs.30,000/- per month. However, it is submitted that the earnings of the



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deceased were taken as Rs.9,785/- per month, which was the minimum wages, as per the Haryana Government notification, prevalent at the relevant time, as that of semi-skilled worker. Further, it is submitted that in the minimum, the deceased could have been considered as a skilled workman and the prevalent extent of earnings of the skilled worker, was Rs.10,788/- per month.

Now, the counsel for the appellants submits that she confines her prayer for enhancement, as per the 'skilled worker' wages and further also submits that the compensation awarded under the conventional heads also calls for slight enhancement, as per the addition, to the extent of 10% to be made, after every three years, as per '*National Insurance Company Limited Vs. Pranay Sethi and others*' 2017(4) RCR (Civil) 1009.

Counsel for the Insurance Company has fairly conceded that the deceased ought to be considered as a 'skilled worker'. On the basis of the evidence brought on record, it was concluded by learned Tribunal that the date of birth of the deceased, as per the matriculation certificate, Mark-A coming on record, was 10.10.1983 and as such, the deceased was held to be aged 37 years and 8 days, at the relevant time.

Considering the deceased to be working as an 'Electrician', his earnings are taken as that of 'skilled worker' i.e. Rs.10,788/- per month, which is rounded off as Rs.10,800/-. After making addition to the extent of 40% i.e. Rs.4,320/-, the total monthly earnings of the deceased are worked upon as Rs.15,120/-, the annual whereof is Rs.1,81,440/-. Considering the number of dependents, deduction on account of personal expenses, has to be 1/4th i.e. Rs.45,360/-. As such, the loss of dependency is worked upon as



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Rs.1,36,080/-. Considering the age of the deceased, '15' is the suitable multiplier, and loss of dependency is worked upon as Rs.20,41,200/-.

Besides the aforesaid, on the count of loss of consortium, the appellants are entitled to another amount of Rs.48,400/- each i.e. Rs.2,42,000/- (48,400 x 5). Besides the same, on the counts of 'funeral expenses' and 'loss of estate', the amount payable is Rs.18,150/- each, the total whereof is Rs.36,300/-.

Making the addition of the aforesaid amount, the loss of dependency works upon as Rs.23,19,500 (20,41,200 + 2,42,000 + 36,300). After deducting an amount of Rs.21,02,300/-, the appellants are entitled to enhanced amount of Rs.2,17,200/-. The enhanced amount be apportioned equally amongst all the appellants. The Insurance Company shall make payment of the enhanced amount, within a period of 45 days. In case of any default, the Insurance Company shall be liable to penal interest @ 6% per annum, till realization.

In view of the aforesaid terms, the FAO stands allowed.

27.11.2025
Himanshu Vats

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned : Yes

Whether reportable : Yes/No