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

FAO-16199-2018 (O&M)

Date of Decision : 19.05.2025

Mansha Ram & Anr

... Appellant(s)

Versus

Kamaludin & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sarthak Soni, Advocate for
Mr. Sanjeev Soni, Advocate for the appellants.

None for respondent Nos.1 and 2 despite service.

Mr. Punit Jain, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

CM-28785-CII-2018

1. For the reasons mentioned therein, the application seeking condonation of delay of 51 days in filing the appeal is allowed and the delay of 51 days in filing the appeal is condoned.

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2. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Bathinda, vide the impugned award dated 25.04.2018.

3. Since the factum of the accident is not in dispute, the facts are not being reproduced herein for the sake of brevity.

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

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹7,500/-
2	Annual Income	[₹7,500 x 12] = ₹90,000/-
3	Deduction 1/3 rd	[₹90,000 – 30,000] = ₹60,000/-
4	Multiplier of 16	[₹60,000 x 16] = ₹9,60,000/-
5	Funeral expenses	₹15,000/-
6	Loss of estate	₹15,000/-
7	Loss of consortium	₹40,000/-
	Total Compensation	₹10,30,000/-
	Interest	7% per annum

5. Learned counsel for the claimant-appellants states that he does not wish to challenge the deduction as well as the multiplier as applied by the Tribunal. 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-appellants 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 addition has been made towards future prospects which ought to have been 40% and that the amounts awarded under the conventional heads as well as under the head ‘loss of consortium’ are not as per the law laid down by the Hon’ble Supreme Court. In support of his contentions, the learned counsel for the claimant-appellants 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. Cholanmandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642] and Kirti & Anr. Vs. Oriental Insurance Company Ltd. [2021 (1) RCR (Civil) 478].

6. None has put in appearance on behalf of respondent Nos.1 and 2 despite service.

7. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

8. I have heard learned counsel for the parties.

9. In the present case the Tribunal has assessed the income of the deceased, who was admittedly a homemaker, as ₹7,500/- 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.”*

10. The deceased in the present case was 32 years of age and was a homemaker. The minimum wages for a skilled worker prevailing at the time of the accident were admittedly ₹8,612/- per month. Hence, the income of the deceased is assessed as ₹8,612/- per month and keeping in view the law laid down by the Hon’ble Supreme Court in the case of **Kirti** (supra), the

claimant-appellants would be entitled to an addition of 40% towards future prospects.

11. In the present case, no appeal has been preferred by the Insurance Company. Since no challenge has been laid down by the learned counsel for the appellants to the deduction as well as multiplier as applied by the Tribunal, the same are accordingly maintained. Further, the amounts awarded under the conventional heads and under the head 'loss of consortium' are not 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) and hence, the claimants would be entitled to ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses and the claimants (husband and son of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. The rate of interest as awarded by the Tribunal is maintained. 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	Future Prospects - 40%	₹96,455/- [₹68,896 + 27,559]
5	Multiplier - 16	₹15,43,280/- [₹96,455 x 16]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental (ii) Spousal's	₹48,000/- ₹48,000/- (Total ₹96,000/-)
	Total Compensation	₹16,75,280/-

12. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7% per annum from the date of filing of the claim petition till the realization of the entire amount.

13. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 INSC 361 : Civil Appeal No.4299 of 2025 arising out of SLP (C) No.4484 of 2020 decided on 18.03.2025]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimants within six weeks from today and the apportionment thereof shall be as per the percentage directed by the Tribunal and the share of the minor claimant (appellant No.2 herein) shall be kept in fixed deposit by the Bank concerned. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimants 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.

14. In view of the above, the present appeal is allowed and the impugned award stands modified to the extent stated above. Pending applications, if any, also stand disposed off.

19.05.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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