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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6460-2023 (O&M)
Date of Decision : 10.09.2025

GURDHYAN SINGH AND ORS .... Appellants

VERSUS

VIRENDRA AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mohan Singh Rana, Advocate for the appellants.

Mr. Vinod Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

CM-22339-CII-2023

1. This is an application for condonation of delay of 33 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 33 days in filing the main appeal is condoned.

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3. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Panchkula (hereinafter referred to as the 'Tribunal') vide award dated 17.07.2023.

4. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal, are not being adverted to herein for the sake of brevity.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹8,000
2.	Deduction @ 1/3rd	[₹8,000 - ₹2,666] = ₹5,334
3.	Annual income	[₹5,334 x 12] = ₹64,008
4.	Future prospects @ 10%	[₹64,008 + ₹64,00] = ₹70,408
5.	Multiplier of ‘9’	[₹70,408 x 9] = ₹6,33,672
6.	Funeral expenses	₹16,500
7.	Loss of estate	₹16,500
8.	Loss of consortium	₹40,000
	Total Compensation	**₹7,06,672**
	Interest	**@ 7% per annum**

6. Learned counsel for the claimant-appellants would contend that though the claimant-appellants do not challenge the deduction, the addition made towards future prospects and the multiplier applied by the Tribunal, however, the deceased in the present case was a homemaker and her income has been assessed as ₹8,000 only. While relying upon the judgment in the case of **Kirti & Anr. Vs. Oriental Insurance Company Ltd. [2021 (1) RCR (Civil) 478]** learned counsel has contended that the income of the homemaker ought to have been assessed as per the rate prevalent for a skilled worker at the time of the accident. It is further the contention of the learned counsel that the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses as well as under the head ‘loss of consortium’ are not in consonance with 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]**, **Magma General Insurance Company Limited vs. Nanu Ram**

alias Chuhru Ram & Ors. [(2018) 18 SCC 130] and **N. Jayasree & Ors. vs. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

7. *Per contra*, learned counsel for respondent No.3-Insurance Company has vehemently contended that the deceased in the present case was 59 years of age who would not be contributing as much to the house and to the household activities as a person of a younger age. Hence, the income has rightly been assessed. It is further the contention of the learned counsel that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

8. Heard.

9. In the present case the deceased was a homemaker aged about 59 years at the time of the accident. The argument of the learned counsel for respondent No.3 that a homemaker at the age of 59 years would not be contributing as much to the household activities as a person of younger age hence she ought not to be considered as a skilled person deserves to be rejected. 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."*

A homemaker, irrespective of her age, contributes immensely to the household activities and does much more. Infact, she 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 are taken care of by a homemaker. In view thereof, merely because the age of the deceased was 59 years, the same would not be a ground to not assess her income as that of a skilled person. Accordingly, the income of the deceased would have to be considered as that of a skilled person at the relevant time which was ₹11,190 per month. Since there is no challenge to the deduction, the addition made towards future prospects and the multiplier applied by the Tribunal, the same are maintained.

10. Further, the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses and under the head loss of consortium are not in consonance with the law laid down by the Hon'ble Supreme Court deserves to be accepted. Hence, 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), the claimant-appellants would be entitled to ₹18,000 (₹15,000 + 20% increase) towards loss of estate and ₹18,000 (₹15,000 + 20% increase) towards funeral expenses. The claimant-appellants, being the children of the deceased, would

also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

11. Accordingly, the reworked compensation to which the claimant-appellants are entitled is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹11,190
2.	Annual income	[₹11,190 x 12] = ₹1,34,280
3.	Deduction @ 1/3rd	[₹1,34,280 - ₹44,760] = ₹89,520
4.	Future prospects @ 10%	[₹89,520 + ₹8,952] = ₹98,472
5.	Multiplier of '9'	[₹98,472 x 9] = ₹8,86,248
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Filial	 [₹48,000 x 3] = ₹1,44,000
	Total Compensation	**₹10,66,248**

12. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal.

13. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 SC 1713]**, after calculation of the enhanced amount, the same be transferred by respondent No.3-Insurance Company in the bank account(s) of the claimant-appellants within a period of six weeks from today. The particulars of the bank account(s) along with the requisite documents in support thereof shall be furnished by the claimant-appellants to respondent No.3-Insurance company within a

period of two weeks from today and needful shall be done by respondent No.3-Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

14. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

10.09.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No