

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1604-2020 (O&M)
Date of Decision : 12.02.2026

Mukesh ... Appellant

Versus

The New India Assurance Company Limited and Others ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Surinder Gaur, Advocate for the appellant.
Mr. Pradeep Kumar, Advocate for respondent No.1.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Jhajjar (hereinafter referred to as ‘Tribunal’) vide the impugned award dated 15.10.2019 in a motor vehicle accident which occurred on 11.11.2017.
2. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.
3. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹8,000/-
2	Future Prospects - 40%	₹11,200/- [₹8,000 + ₹3,200]
3	Deduction - 50%	₹5,600/- [₹11,200 - ₹5,600]
4	Annual Income	₹67,200/- [₹5,600 x 12]
5	Multiplier - 17	₹11,42,400/- [₹67,200 x 17]
6	Loss of estate	₹15,000/-
7	Funeral expenses	₹15,000/-

	Total Compensation	₹11,72,400/-
	Interest	6.5% per annum

4. Learned counsel for the claimant-appellant states that he does not challenge the deduction, future prospects and multiplier as applied by the Tribunal. He, however, states that the income of the deceased has wrongly been assessed as ₹8,000/- per month inasmuch as the deceased was working as a driver and was earning ₹25,000/- per month. It is further the contention that the income of the deceased ought to have been assessed atleast as that of a skilled worker and the minimum wages applicable for a skilled worker at the time of the accident were ₹10,845/- per month. It is further the contention of learned counsel for the claimant-appellant that no amount has been awarded under the head ‘loss of consortium’ and that the compensation awarded under the conventional heads is not in accordance 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. Chola mandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra*, the learned counsel for the respondent No.1- 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.

6. Heard.

7. Admittedly, no appeal has been preferred by respondent No.1- Insurance Company. In the present case, since no challenge has been laid by learned counsel for the claimant-appellant to the future prospects, deduction and multiplier as applied by the Tribunal, the same are maintained accordingly. The argument of learned counsel for the claimant-appellant that the income of the deceased has wrongly been assessed deserves to be

accepted. The claimant-appellant herself appeared as PW1 and deposed that the deceased was working as a Driver on TATA-407. She had also examined Adarsh Kumar as PW3, who deposed that he was owner of a TATA-407 and the deceased was a driver on that vehicle though he admitted that he had no record regarding salary and employment of the deceased. Still if the statements of PW1 and PW3 be believed that the deceased was working as a driver, the income of the deceased ought to have been assessed as that of a skilled worker. The minimum wages for a skilled worker at the relevant point of time were ₹10,845/- per month hence the income of the deceased is assessed as ₹10,845/- per month.

8. The argument of learned counsel for the claimant-appellant that no amount has been awarded under the head ‘loss of consortium’ and that the compensation awarded under the conventional heads is 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), deserves to be accepted. Hence, the claimant-appellant would be entitled to ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses as also to ₹48,000/- towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹10,845/-
2	Annual Income	₹1,30,140/- [₹10,845 x 12]
3	Deduction - 50%	₹65,070/- [₹1,30,140 - ₹65,070]
4	Future Prospects - 40%	₹91,098/- [₹65,070 + ₹26,028]
5	Multiplier - 17	₹15,48,666/- [₹91,098 x 17]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Filial [₹48,000/- x 1]	₹48,000/- (Total ₹48,000/-)
	Total Compensation	₹16,32,666/-

9. 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.

10. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, 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. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimant-appellant 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.

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

12.02.2026
jk

(ALKA SARIN)
JUDGE

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