



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

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**FAO-1233-2019 (O&M)**

**Date of decision: 18.02.2026**

**Anil Kumar and others**

**...Appellant(s)**

**Vs.**

**Nathu Lal and others**

**...Respondent(s)**

**CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Arun Singhal, Advocate for the appellants.

Mr. Bhisham Kumar, Advocate for respondent No.1.

Ms. Ritu Punj, Advocate and  
Mr. Sahaj Punj, Advocate for  
respondent No.3-Insurance Co.

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**NIDHI GUPTA, J.**

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.7,02,000/- awarded by the learned Motor Accident Claims Tribunal, Panipat (hereinafter referred to as "the learned Tribunal") vide Award dated 02.05.2018 passed in MVA Petition No. 08 dated 29.01.2016 filed under Sections 166 and 140 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The 4 claimants are the 50-year-old husband; 25-year-old son; 18-year-old son; and married daughter of the deceased Kusum, who was 45 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased-Kusum had died due to the injuries suffered by her in a motor vehicular



accident that took place on 02.12.2015 due to the rash and negligent driving of a Canter bearing registration No. HR67A-0087 (hereinafter “the offending vehicle”) being driven by respondent No.1; owned by respondent No.2; and insured by respondent No.3. The above said compensation was awarded along with interest @ 7.5% per annum. Respondents No.1 to 3 were held jointly and severally liable to pay the amount of compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that learned Tribunal had taken income of the deceased on the lower side as only Rs.4,000/- per month. Learned counsel submits that it was clear pleaded case of the appellant that prior to the accident, deceased was doing work of stitching and sewing and was expert lady tailor and was earning Rs.15,000/- p.m. It is submitted that even if it is taken the avocation and income of the deceased is not proved, even then as per the relevant Minimum Wage Notification applicable w.e.f. 01.01.2015, minimum wage for unskilled worker was Rs.5,812.75 p.m. The said Notification is handed over in Court, which is taken on record. It is submitted that therefore, income of the deceased has been taken on the lower side. Further, nothing has been awarded by way of future prospects; and nothing has been awarded towards loss of consortium.

4. It is accordingly prayed that the present Appeal be allowed; and the compensation be enhanced in above terms.

5. *Per contra*, learned counsel for respondent No.1 and respondent No.3-Insurance Company oppose submissions made on behalf of the appellants and submit that the impugned Award suffers from no infirmity as



the compensation awarded to the appellants is just and fair. Hence, the present appeal deserves to be dismissed.

6. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the case file in great detail. I find some merit in the submissions advanced on behalf of learned counsel for the appellants.

7. It has already been noticed above that it was the pleaded case of the appellants that the deceased was an expert lady tailor and was earning Rs.15,000/- p.m. However, as admitted by learned counsel for the appellants, no documentary evidence such as passbook of the bank account of the deceased has been brought on record by the appellants to prove the said avocation or income. As such, learned Tribunal has assessed notional income of the deceased as Rs.4,000/- p.m. However, as per the Minimum Wage Notification issued by the State of Haryana applicable w.e.f. 01.01.2015, minimum wage of unskilled labourer is shown to be Rs.5,812.75 p.m. Thus, income of deceased is assessed as Rs.5,812.75 rounded off to Rs.5,812/- p.m.

8. Further, the age of the deceased was determined to be 45 years on the date of accident on the basis of her Post Mortem Report Ex.P19. Accordingly, learned Tribunal was required to make addition of 25% towards future prospects. However, the same has not been done. Learned Tribunal has correctly applied multiplier of 14. Under the conventional heads, learned Tribunal has awarded Rs.15,000/- for transportation and last rites; and Rs.15,000/- for loss of estate. Nothing has been awarded by learned Tribunal towards loss of consortium. Further, as per recent judgment of the Hon'ble

Supreme Court in **Hasina Yasmin v. National Insurance Co. Ltd., (SC) ; Law**



**Finder Doc ID # 2826989**, for all accidents that took place prior to 2017, only an amount of Rs.40,000/- each was to be awarded towards consortium and Rs.15,000/- each towards loss of estate and funeral expenses.

9. Furthermore, Id. Tribunal has not made any deduction towards personal expenses. As per judgment passed by Hon'ble Supreme Court in **Deep Shikha v. National Insurance Company Ltd., (SC) : Law Finder Doc Id # 2729764** it is held that "*Compensation under the Motor Vehicles Act, 1988 - Married daughter of deceased not entitled to compensation for loss of dependency unless proven financial dependency.*". In the present case, the said claimant no.4 is the married daughter of the deceased. Claimant No.2 is 25-year-old son and claimant No. 3 is 18-year-old son being major, cannot be held to be dependent upon the deceased. In any event, the said claimants would first be dependent upon their father/claimant No.1. In this situation, a deduction of 50% is liable to be made towards personal expenses. I am supported in this by judgment of the Hon'ble Supreme Court in **Jitender Kumar v. Sanjay Prasad, (SC) : Law Finder Doc Id # 2746903** where, in identical case it is held that the claimants being legal representatives of the deceased are entitled to apply for compensation. However, as their dependency upon the deceased is not proved, deduction of 50% is to be made.

10. Further, the claimants No.1, 2 and 3 are entitled to Rs.40,000/- each towards loss of consortium. Accordingly, compensation payable to the claimants is reassessed in the following manner:-

| Sr.No. | Details                                | Before the Tribunal                            | Revised compensation                                        |
|--------|----------------------------------------|------------------------------------------------|-------------------------------------------------------------|
| 1.     | Income                                 | Rs.4,000/-per month                            | Rs.5,812/- per month                                        |
| 2.     | Annual Income                          | Rs.48,000/- per annum                          | Rs.69,744/- per annum                                       |
| 3.     | 25% future prospects                   | Nil                                            | Rs.87,180/- (Rs.69,744 +Rs.17,436)                          |
| 4.     | 1/3rd deduction                        | Nil                                            | Rs.58,120/- (Rs.87,180-29,060)                              |
| 5.     | Multiplier of 14                       | Rs.6,72,000/- (Rs.48,000 x 14)                 | Rs.8,13,680/- (Rs.58,120 x 14)                              |
| 6.     | Loss of consortium                     | Nil                                            | Rs. 1,20,000/-<br>Rs.40,000/- each to claimants No. 1 to 3) |
| 7.     | Transportation and last rites expenses | Rs.15,000/-                                    | Rs.15,000/-                                                 |
| 8.     | Loss of estate                         | Rs.15,000/-                                    | Rs.15,000/-                                                 |
| 9.     | Total                                  | Rs.7,02,000/-                                  | Rs.9,63,680/-                                               |
| 10.    | Enhanced compensation                  | Rs.9,63,680-Rs.7,02,000 = <b>Rs.2,61,680/-</b> |                                                             |
| 11.    | Interest                               | 7.5% per annum                                 | 7.5% per annum                                              |

11. Keeping in view the above noted and factual legal position; the present Appeal is **allowed** in the above terms.

12. Pending application(s) if any also stand(s) disposed of.

18.02.2026

Divyanshi

(NIDHI GUPTA)  
JUDGE

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No