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

**FAO No.2284 of 2021
Date of decision : 11.03.2026**

Gurmail Kaur @ Gurmel Kaur and anotherAppellants

Versus

Abdul Rashid Ganai and others ...Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present : Mr. Arun Kumar Gupta, Advocate for
Mr. Rakesh Gupta, Advocate
for the appellants.

Mr. Harinder Kumar, Advocate
for respondent No.2.

PANKAJ JAIN, J. (ORAL)

Claimants are in appeal seeking enhancement of compensation awarded by MACT, Chandigarh in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988.

2. The claim petition was preferred by the appellants seeking compensation on account of death of one Jasbir Singh in a motor-vehicular accident, dated 09.01.2018 at the age of 24 years.

3. As per the claimants, Jasbir Singh was a diploma holder from ITI and was working as a private Electrician and earning Rs.15,000/- per month.

4. While holding that the claimants failed to lead any plausible

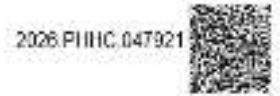


evidence to prove the income of the deceased, Tribunal relied upon order passed by the Assistant Labour Commissioner, U.T., Chandigarh w.e.f. 01.10.2017 valid till 31.03.2018 fixing the minimum wages for a Skilled-II Worker @ Rs.9,545/- per month.

5. Counsel for the appellants submits that keeping in view the fact that the deceased was a diploma holder, he should not have been assessed merely as a worker. He further submits that nothing has been awarded for loss of consortium and even the amounts awarded under the conventional heads are in the teeth of ratio of law laid down by Supreme Court in the case of **National Insurance Company Limited vs. Pranay Sethi and others, (2017)16 SCC 680** and '**Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram and others**' – Civil Appeal No.9581 of 2018, *decided on 18.09.2018*.

6. I have heard counsel for the parties and have carefully gone through records of the case.

7. In the absence of there being any cogent piece of evidence to prove the income of the deceased, this Court finds that even though the minimum wages fixed by the authorities for the relevant period do act as a guide, but cannot be the sole ground to fix the income. Deceased being a qualified diploma holder, his income is assessed as Rs.12,000/- per month. Future prospects of 40% need to be added. Deceased died bachelor. Thus, deduction of 1/2 needs to be applied. Keeping in view the age of the deceased, Tribunal rightly applied multiplier of 18. Each of the claimants is



awarded Rs.48,400/- for loss of consortium. Rs.18,000/- is awarded for loss of estate. Rs.18,000/- is awarded for funeral expenses.

- 8. With the aforesaid modification in the impugned award, the appeal is disposed off.
- 9. Pending application, if any, shall also stand disposed off.

March 11, 2026					(Pankaj Jain)
Dpr					Judge
	Whether speaking/reasoned	:		Yes/No	
	Whether reportable	:		Yes/No	