2026:PHHC:028228

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1864-2023 (O&M)
Date of Decision : 23.02.2026

RAHUL AGGARWAL & ANR .... Appellants

VERSUS

MOHAMMAD DANISH & ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. Arjun Kundra, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

CM-7228-CII-2023

1. For the reasons stated in the application, the same is allowed and the delay 386 days in filing the appeal is condoned. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

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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, Ambala (hereinafter referred to as the 'Tribunal') vide award dated 15.10.2019.

3. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹4,000
2.	Annual income	[₹4,000 x 12] = ₹48,000
3.	Multiplier of 11	[₹48,000 x 11] = ₹5,28,000
4.	Funeral expenses	₹15,000
5.	Loss of love and affection	₹15,000
6.	Loss of consortium	₹40,000
	Total Compensation	**₹5,98,000**
	Interest	**@ 7.5%**

5. Learned counsel for the claimant-appellants would contend that the deceased in the present case was 50 years old and that her income has wrongly been assessed as ₹4,000/- per month notionally. It is further contended that even if the deceased is treated as a homemaker, the income would have to be assessed as that of a skilled worker. Reliance is placed upon the judgment of the Hon'ble Supreme Court in **Kirti & Anr. vs. Oriental Insurance Company Ltd. [2021 (1) RCR (Civil) 478]**. Learned counsel would further contend that no addition has been made towards future prospects and that a multiplier of 11 has wrongly been applied by the Tribunal which ought to have been 13 keeping in view the age of the deceased being 50 years at the time of the accident. It is further the contention that the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses and under the head loss of consortium are on the lower side. 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 **Sarla Verma & Ors.**

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vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121], 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]**.

6. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that in case an addition is made towards future prospects then the deduction of 1/3rd ought to have been made towards personal expenses. It is further the contention that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

7. Heard.

8. Admittedly, there is no appeal filed by respondent No.3-Insurance Company. The Tribunal had assessed the income of the deceased as ₹4,000/- per month notionally. Though there is no evidence qua the income of the deceased, however, even if the deceased was to be considered as a homemaker, the income would have to be assessed as that of a skilled worker. The Hon'ble Supreme Court in the case of **Kirti** (supra), while emphasizing upon the contribution made by a homemaker and the services rendered by a woman in a household, observed that there can be no exact calculation or formula that can ascertain the actual value provided by a homemaker gratuitously. In order to streamline the calculation of notional income for homemakers and the grant of future prospects with respect to them for the

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purposes of assessing the compensation, the following principles were laid by the Hon'ble Supreme Court :

> *"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,*

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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."

In the present case, considering the extensive contribution of the deceased in the household and in the absence of any evidence regarding her exact income, this Court deems it appropriate to assess the income of the deceased as per the minimum wages applicable to a skilled worker at the relevant point of time, which were ₹9,585/- per month. Accordingly, the income of the deceased is assessed as ₹9,585/- per month (rounded off to ₹9,600/- per month). No amount has been awarded towards future prospects. As per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 10% addition is made towards future prospects. The argument of the learned counsel for the claimant-appellants that a multiplier of 11 has wrongly been applied which ought to have been 13 deserves to be accepted. As per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), a multiplier of 13 would be applicable keeping in view the age of the deceased being 50 years at the time of the accident. The argument of the learned counsel

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for respondent No.3-Insurance Company that a deduction of 1/3rd ought to have been made towards personal expenses deserves to be accepted. Accordingly, deduction of 1/3rd would be applied in the present case.

9. Further, the amounts awarded under the conventional heads and under the head loss of consortium are on the lower side. 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.

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

Sr. No.	**Heads**	**Compensation Awarded**
1.	Monthly income	₹9,600
2.	Annual income	[₹9,600 x 12] = ₹1,15,200
3.	Deduction 1/3rd	[₹1,15,200 - ₹38,400] = ₹76,800
4.	Future prospects 10%	[₹76,800 + ₹7,680] = ₹84,480
5.	Multiplier of 13	[₹84,480 x 13] = ₹10,98,240
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium i. Parental	 [₹48,000 x 2] = ₹96,000
	Total Compensation	**₹12,30,240**

11. 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

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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. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

12. 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 accounts of the claimant-appellants within a period of six weeks from today. The particulars of the bank accounts 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.

13. 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.

23.02.2026 **(ALKA SARIN)**
Aman Jain **JUDGE**

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

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