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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3829-2019 (O&M)
Date of Decision : 12.02.2026

Ram Parsad and Another ... Appellants

Versus

Sudheer Kumar and Others ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Mansi Majoka, Advocate for
Mr. Bhisham Kumar Majoka, Advoate for the appellants.

Ms. Geetika Rani, Advocate for
Mr. Lalit Garg, Advocate for respondent No.3.

ALKA SARIN, J. **(Oral)**

CM-13176-CII-2019 & CM-13177-CII-2019

1. For the reasons stated in the applications, the same are allowed. The delay of 38 days in filing and 41 days in re-filing the present appeal is condoned.

FAO-3829-2019

2. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Faridabad (hereinafter referred to as the 'Tribunal') vide award dated 18.09.2018 on account of death of Pappi Devi (hereinafter referred to as the 'deceased'), which took place on 15.11.2017.

3. Since the factum of the accident is not in dispute, the facts are not being adverted to herein for the sake of brevity.

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

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹3,000/-
2	Annual Income	₹36,000/- [₹3,000 x 12]
3	Future Prospects - 10%	₹39,600/- [₹36,000 + ₹3,600]
4	Multiplier - 11	₹4,35,600/- [₹39,600 x 11]
5	Loss of estate	₹15,000/-
6	Funeral expenses	₹15,000/-
7	Loss of consortium	₹40,000/-
	Total Compensation	**₹5,05,600/-**
	Interest	**7.5%**

5. Learned counsel for the claimant-appellants would contend that though he does not challenge the multiplier and the future prospects as applied by the Tribunal however, he has contended that the deceased in the present case was a homemaker and the Tribunal has assessed her income as ₹3,000/- per month which is on the lower side inasmuch as at the relevant point of time, minimum wages for an unskilled worker were also more than the income assessed by the Tribunal. It is further contended that the income of the deceased ought to have been assessed as per the minimum wages applicable to a skilled worker at the relevant point of time. In support of his contention, learned counsel for the claimant-appellants has relied upon a judgment of the Hon'ble Supreme Court in case of **Kirti & Anr. vs. Oriental Insurance Company Ltd. [2021 (1) RCR (Civil) 478]**. It is further the contention of learned counsel for the claimant-appellants that the compensation awarded under the conventional heads as well as under the head 'loss of consortium' is not in accordance with the law laid down by the Hon'ble Supreme Court. In support of his contention, learned counsel for the claimant-appellants has relied on judgments of 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]**.

6. *Per contra*, learned counsel for respondent No.3-Insurance Company has vehemently argued that the Tribunal has rightly assessed the income of the deceased. It is further the contention that the Tribunal has not made any deduction towards personal expenses of the deceased, which ought to have been 1/3rd as per the law laid down by Hon'ble Supreme Court in case of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]**. It has further been contended 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, no appeal has been filed by the Insurance Company. Since there is no challenge to the multiplier and the future prospects as applied by the Tribunal, the same are maintained. The argument of learned counsel for the claimant-appellants that the income of the deceased, who was a homemaker, ought to have been assessed as per the minimum wages applicable to a skilled worker at the relevant point of time, deserves to be accepted. In case of **Kirti** (supra), Hon'ble Supreme Court 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 purposes of assessing the compensation, the following principles were laid by 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, 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."

9. 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 ₹9,518/- per month. Accordingly, the income of the deceased is assessed as ₹9,518/- per month.

10. The argument of learned counsel for respondent No.3-Insurance Company that the Tribunal has not made any deduction towards personal expenses of the deceased, deserves to be accepted. In the present case there are two claimants, hence, keeping in view the law laid down by Hon'ble Supreme Court in case of **Sarla Verma** (supra) a deduction of $1/3^{rd}$ would be applicable.

11. The argument of learned counsel for the claimant-appellants that the compensation awarded under the conventional heads as well as under the head 'loss of consortium' 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-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 as also to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹9,518/-
2	Annual Income	₹1,14,216/- [₹9,518 x 12]
3	Deduction - 1/3rd	₹76,144/- [₹1,14,216 - ₹38,072]
4	Future Prospects - 10%	₹83,759/- [₹76,144 + ₹7,615]
5	Multiplier - 11	₹9,21,349/- [₹83,759 x 11]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental (ii) Spousal	 ₹48,000/- ₹48,000/- (Total ₹96,000/-)
	Total Compensation	**₹10,53,349/-**

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.

13. 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-appellants 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.

14. 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 **(ALKA SARIN)**
jk **JUDGE**

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