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

FAO-3843-2019 (O&M)

Date of decision : 01.04.2026

Nachhatar Kaur and another

...Appellants

Versus

Pal Khan and others

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Gaurav, Advocate,
for Mr. Sanjeev Goyal, Advocate,
for the appellants.

Mr. Navdeep Jain, Advocate,
for Mr. Sunny K. Singla, Advocate,
for respondent No.1.

None for respondent Nos.2 & 4.

Mr. Pardeep Kumar, Advocate,
for respondent No.3-Insurance Company.

HARPREET KAUR JEEWAN, J.

1. Appellants-claimants are seeking enhancement of the compensation amount awarded by the Motor Accident Claims Tribunal, Sangrur (*hereinafter referred to as the "Tribunal"*), regarding the death of Balvir Singh, in a roadside accident, which took place on 11.02.2018.

2. The Tribunal vide Award dated 11.10.2018, awarded compensation of Rs.12,54,452/- to the claimants-appellants in the ratio of 80:20, whereas, no compensation amount was granted to claimant-proforma respondent No.4 (brother of the deceased). It was held that Balvir Singh died due to the road-side accident which was a result of rash



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and negligent driving of the Mahindra Bolero bearing registration No.PB-03AP-2234, by respondent No.1.

2.2 The Tribunal considered the age of the deceased as 32 years; assessed the income of the deceased as Rs.8,000/- per month, and the Insurance Company of the Mahindra Bolero was ordered to pay compensation to the appellant-claimants as per the following calculations:-

Sr. No.	Heads	Compensation Awarded
1.	Annual income	Rs. 96,000/- (8,000 X 12)
2.	Deduction towards personal expenses (1/2)	Rs.48,000/- (96,000 - 48,000)
3.	Multiplier (age is 32 years)	16
4.	Loss of dependency	Rs.7,68,000/- (48,000 X 16)
5.	Future prospects @ 40%	Rs.3,07,200/- (40% of 7,68,000)
6.	Loss of consortium	Rs.40,000/-
7.	Funeral expenses	Rs.15,000/-
8.	Loss of estate	Rs.15,000/-
9.	Medical bills	Rs.1,09,252/-
	Total :	Rs.12,54,452/-

2.3 The present appeal, filed by the claimants seeking enhancement, has been contested by the respondents.

3. Learned counsel for the appellants contends that the Tribunal has considered the income of the deceased on a lower side as he was a skilled worker. It is also contended that compensation on account of loss of consortium has been awarded only to one of the claimants (Nachhatar Kaur-mother), whereas, it ought to have been



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granted to claimant/appellant No.2 (Roop Singh-father) as well. Cites

Sarla Verma & Ors. vs. Delhi Transport Corporation & Ors., (2009) 6

SCC 121, National Insurance Company Ltd. vs. Pranay Sethi & Ors.,

(2017) 16 SCC 680 and *Magma General Insurance Company Limited*

vs. Nanu Ramalias Chuhru Ram & Ors., (2018) 18 SCC 130.

4. *Per contra*, learned counsel representing the respondent-Insurance Company has not disputed that both parents are entitled for consortium, but contends that the income has been rightly considered as Rs.8,000/- per month.

5. I have considered the aforesaid submissions and perused the paper book.

6. The Tribunal has assessed the income of the deceased as Rs.8,000/- per month, while relying on the notification No.7179 dated 05.04.2017, issued by the Labour Commissioner, Punjab, as per which in the year 2017 w.e.f. 01.03.2017, the minimum wages of unskilled worker were Rs.7568.52 per month. The accident in question took place on 11.02.2018 and as on that date, notification No.ST/24931 dated 11.10.2017 (effective w.e.f. 01.09.2017) was applicable. As per the said notification, an unskilled worker was to be paid a minimum of Rs.8403.50 (rounded off to Rs.8404/-) per month and as such, the compensation needs to be calculated by treating the monthly income of the deceased as Rs.8404/-.

7. Similarly, both parents are entitled to compensation on account of loss of consortium in view the law laid down by the Hon'ble



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Apex Court in *Magma's case (supra)*. The compensation under the other conventional heads is also on the lower side and needs to be enhanced.

8. In view of the facts and circumstances of this case and the decisions referred to hereinabove, the compensation is re-worked as under:-

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	Rs.8404/-
2.	Annual income	Rs.1,00,848/- [Rs.8404 x 12]
3.	Deduction @ 50%	Rs.50,424/- [Rs. 1,00,848 – Rs.50,424]
4.	Future prospects @ 40%	Rs.70,594/- [Rs.50,424 + Rs.20,170]
5.	Multiplier of '16'	Rs. 11,29,504/- [Rs.70,594 x 16]
6.	Loss of dependency	Rs.11,29,504/-
7.	Funeral expenses	Rs.18,000/-
8.	Loss of estate	Rs.18,000/-
9.	Loss of consortium	Rs.96,000/- [Rs.48,000/- x 2]
10.	Medical bills	1,09,252
	Total Compensation	Rs.13,70,756/-
	Interest @ 7.5% per annum	On excess amount

9. In view of the decision by the Hon'ble Supreme Court in *Parminder Singh vs. Honey Goyal & Ors., 2025 INSC 361*, after calculation of the enhanced amount, the same shall be transferred by respondent No.3-Insurance Company in the Bank Accounts of the claimant-appellants within a period of 06 weeks from today. The particulars of the bank account(s) 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



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with up-to-date interest. The compliance shall be reported by the Bank
to the Tribunal concerned.

10. In view of the above discussion, the present appeal is partly
allowed and the Award of the Tribunal is modified accordingly.

11. Pending Miscellaneous Application(s), if any, shall also
stand disposed of.

01.04.2026
atulsethi

[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No