IN THE HIGH COURT OF PUNJAB & HARYANA

AT CHANDIGARH

223 **FAO-3221-2001 (O&M)**
Date of decision:19.03.2026

RAGHBIR CHAND AND OTHERS ...APPELLANTS

VERSUS

KARAN CHAND AND OTHERS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Sushil Saini, Advocate
for appellants.

Mr. Khusbu Sharma, Advocate
for respondent No.1.

Ms. Maanvi Verma, Advocate for
Mr. Rajneesh Malhotra, Advocate
for respondent No.3-Insurance Company.

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PARMOD GOYAL, J. (ORAL)

1. The present appeal has been preferred by claimants-appellants being the husband, son and daughter of deceased Nirmala Devi (hereinafter referred to as the '**deceased**'), who died in a road side accident which took place on 10.12.1994, on account of rash and negligent driving by respondent No.2 while driving truck bearing registration No.HPK-5949.

2. Being aggrieved by the impugned award dated 07.02.2001, passed by Motor Accident Claims Tribunal, Gurdaspur (hereinafter referred to as '**Tribunal**'), vide which the claimants-appellants were found entitled to total compensation of Rs.1,32,000/-, the claimants-appellants are seeking enhancement of compensation awarded by the Tribunal as the same is not in accordance with their entitlement.

3. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal regarding manner of accident are not being adverted to for herein sake of brevity.

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

Income	Rs.12,000 /- per annum
Multiplier	11
Total compensation awarded	Rs.1,32,000 /-

5. Learned counsel for appellants-claimants have sought enhancement of compensation on following grounds that:-

- That the income of the deceased taken by learned Tribunal is on the lower side. That deceased was aged between 40-42 years of age at the time of accident and was a home-maker. Learned Tribunal ought to have taken income of deceased as per the minimum wages payable to unskilled worker prevalent at the time of accident.
- Future prospects were not added while determining loss of dependency. Future prospects to the extent 25% of monthly income needs to be added as the deceased was aged between 40-42 years of age at the time of accident.
- Learned Tribunal has erred in granting multiplier of ‘11’ instead of ‘14’.
- Appropriate amount of compensation amount needs to be granted under the head funeral expenses, loss of

estate and consortium in accordance with law laid down by Hon'ble Supreme Court.

6. Merely because deceased was housewife, her contribution towards family cannot be considered any lesser than an earning member. A housewife contributes immensely towards the welfare of family and her contribution cannot be less than an earning member, who would have earned and contributed to the family in cash. This view of mine find support from **Kirti Singh and Anr. Vs. Oriental Insurance Company Ltd.** 2021 (1) RCR (Civil) 478. The deceased in the present case was aged between 40-42 years of age and was a home-maker. The minimum wage for an unskilled worker prevailing at the time of the accident was admittedly Rs.1,154/- per month. Learned Tribunal has not even awarded minimum wages payable to unskilled worker hence, the income of the deceased is assessed as Rs.1,154/- per month on the basis of minimum wages payable to an unskilled worker at the time of the accident. Age of the deceased was between 40-42 years at the time of accident, hence, 25% future prospects ought to be awarded in terms of the decision of the Hon'ble Supreme Court in the case of **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.** (supra). Keeping in view age of deceased multiplier of '14' would be applicable. Deceased had three dependents, therefore, 1/3rd of income has to be deducted towards personal expenses. Further, the compensation awarded under the conventional heads is not just and sufficient and needs to be enhanced. Appellants-claimants would be entitled to Rs.7,500 towards loss of estate and Rs.7,500/- towards funeral expenses and Rs.15,000/- each under the head loss of spousal and parental consortium.

7. Accordingly, the reworked compensation to which the claimants–appellants are entitled to is as under:

Income	Rs.1,154 /- per month	Rs.1,154/- per month
Deduction	1/3rd (1154-385)	Rs.769/-
Future Prospects	25% (769+192)	Rs.961/-
Multiplier	14	14
Total loss of dependency	Rs.961x12 x14	Rs.1,61,448/-
Loss of Estate		Rs. 7,500/-
Funeral Expenses		Rs. 7,500/-
Loss of spousal consortium to claimant no. 1		Rs. 15,000/-
Loss of parental consortium to claimants No.2 & 3	Rs.15,000/- X 2	Rs.30,000/-
Total Compensation awarded in appeal		Rs.2,21,448/-
Total Compensation awarded by the Tribunal	Rs.1,32,000 /-	
Enhanced amount of compensation	Rs.2,21,448/- (as awarded in appeal) – Rs. 1,32,000/- (as awarded by the Tribunal)	Rs.89,448/-

8. Claimants-appellants shall also be entitled to interest @ 7.5% on the enhanced compensation from the date of filing of claim petition till realization. Apportionment and liability of respondents to pay compensation shall be as per the award.

9. In view of the above discussion, the award passed by the Tribunal is modified and the present appeal stands allowed accordingly.

10. Pending miscellaneous application(s), if any, also stand(s) disposed of accordingly.

(PARMOD GOYAL)
JUDGE

19.03.2026
Sunil Chander

Whether speaking/reasoned	*:*	*Yes/No*
Whether reportable	*:*	*Yes/No*