

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****222****FAO-4500-2019(O&M)****Date of decision: 18.04.2026****Maya & Others****...Appellant(s)****Vs.****Manoj Jha @ Sanoj Jha & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA****Present:-** Mr. Bikram Chaudhary, Advocate
for the appellants.Mr. Maninder Arora, Advocate
for respondent No.3/Insurance Company.*********NIDHI GUPTA, J.**

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.11,42,500/- awarded by the Motor Accident Claims Tribunal, Kaithal (hereinafter 'the learned Tribunal') vide Award dated 20.11.2018 passed in MACP No.14 dated 07.02.2018 filed under Section 166 of Motor Vehicles Act (hereinafter "the Act"). The 3 claimants are the 42-year-old widow, 18-year-old son, and 24-year-old daughter of deceased Tara, who was 47 years old at time of accident.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the deceased Tara had died due to the injuries suffered by him in a motor vehicular accident that took place on 20.12.2017 due to



the rash and negligent driving of Truck bearing registration No.HR-69B-5288 (hereinafter “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The said compensation has been awarded along with interest @ 7.5% per annum. Respondent No.3/Insurance Company was held liable for payment of compensation.

3. At the very outset, learned counsel for the appellants very fairly submits that as per law, the only ground on which compensation can be enhanced in favour of the appellants/claimants is that the Tribunal has awarded consortium only to the claimant No.1/widow; and nothing has been awarded as consortium to the claimants No.2 and 3/children of the deceased. It is accordingly submitted that the present appeal may be allowed only to the extent of grant of consortium to the claimants No.2 and 3.

4. Learned counsel for the respondent No.3/Insurance Company is also unable to dispute the above-said facts. Learned counsel also very fairly submits that as per the judgment of the Hon’ble Supreme Court in **“Sarla Verma Vs. Delhi Transport Corporation” (2009) AIR (SC) 3104 Law Finder Doc ID # 188882**, consortium of Rs.40,000/- each is payable to the claimants No.2 and 3.



5. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find merit in the submissions advanced on behalf of learned counsel for the parties.

6. Perusal of record of the case shows that it was the pleaded case of the appellants before the learned Tribunal that deceased was a skilled labourer and was running a Dairy and earning Rs.15,000/- per month. However, as no evidence whatsoever was led by the appellants to prove the said alleged avocation or income, the learned Tribunal had assessed income of the deceased as that of an unskilled labourer as Rs.8222.44/- per month (rounded off to Rs.8250/- per month), on the basis of Notification dated 15.05.2018 issued by the Labour Department, Haryana.

7. Age of the deceased was determined to be 47 years at the time of accident, on the basis of his Aadhaar Card wherein his date of birth is mentioned as 15.07.1971. Accordingly, the Tribunal had correctly made an addition of 25% towards future prospects; and had correctly applied multiplier of 13. Further, as there were three claimants, deduction of $\frac{1}{3}^{\text{rd}}$ has been correctly made towards personal expenses. Under the conventional heads, the Tribunal awarded Rs.15,000/- towards loss of estate; Rs.15,000/- towards funeral expenses; and Rs.40,000/- only to claimant No.1/widow by way of spousal consortium. Needless to say, as per law laid down by the Hon'ble Supreme Court, the claimants No.2 and



3 are also entitled to Rs.40,000/- each by way of parental consortium. In view of the above, present appeal is **partly allowed**; and compensation payable to the claimants is re-assessed in the following manner:-

Head	Awarded by learned Tribunal	Re-assessed compensation
Monthly income	Rs.8250/-	Rs.8250/-
Annual income	Rs.99,000/-	Rs.99,000/-
Addition towards future prospects	(25%) Rs.99,000/- x 25% = Rs.24,750/-	(25%) Rs.99,000/- x 25% = Rs.24,750/-
Total income	Rs.99,000/- + Rs.24,750/- = Rs.1,23,750/-	Rs.99,000/- + Rs.24,750/- = Rs.1,23,750/-
Deduction towards personal and living expenses	(1/3 rd) Rs.1,23,750/- - Rs.41,250/- = Rs.82,500/-	(1/3 rd) Rs.1,23,750/- - Rs.41,250/- = Rs.82,500/-
Multiplier	(13) Rs.82,500/- x 13 = Rs.10,72,500/-	(13) Rs.82,500/- x 13 = Rs.10,72,500/-
Loss of estate	Rs.15,000/-	Rs.15,000/-
Funeral expenses	Rs.15,000/-	Rs.15,000/-
Loss of consortium to claimant No.1/widow	Rs.40,000/-	Rs.40,000/-
Loss of consortium to claimants No.2 & 3/children	Nil	Rs.40,000/- x 2 = Rs.80,000/-
Total	Rs.11,42,500/-	Rs.12,22,500/-
Interest	7.5% p.a.	6% p.a.

8. No interest shall be payable for the delayed period.
9. Pending application(s) if any also stand(s) disposed of.

18.04.2026
Sunena

(Nidhi Gupta)
Judge

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