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

FAO-7105-2019 (O&M)
XOBJC-97-2022 (O&M)

Date of decision : 25.03.2026

New India Assurance Co. Ltd.

...Appellant

Versus

Phoolmati and others

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. Paul S. Saini, Advocate for the appellant.

Mr. Sanjeev Kodan, Advocate,
for the cross-objector/claimants.

None for respondent Nos.7 & 8.

HARPREET KAUR JEEWAN, J.

1. Present appeal has been filed by the Insurance Company, raising a challenge to the Award dated 10.09.2018 passed by the Motor Accident Claims Tribunal, Jhajjar (*hereinafter referred to as the "Tribunal"*). Whereas, cross-objections aforesaid have been filed by the respondent-claimants seeking enhancement of the compensation awarded by the Tribunal.

2. The detailed facts are not being reproduced here, since there is no challenge by any of the parties to the findings of the Tribunal regarding Issue No.1, i.e. holding respondent No.1 rash and negligent in driving truck bearing No.PB-13-S-9087, resulting into the death of Lattu



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S/o Chote Lal @ Chhote Lal, in a motor vehicular accident which took place on 02.07.2018.

2.1 The Tribunal considered the age of the deceased as 33 years; assessed the income of the deceased as Rs.12,000/- per month, and the appellant/Insurance Company was ordered to pay a sum of Rs.24,89,200/- as compensation to the claimants as per the following calculations:-

Sr. No.	Heads	Compensation Awarded
1.	Annual income	Rs. 1,44,000/- (12,000 X 12)
2.	Deduction towards personal expenses (1/4)	Rs.1,08,000/- (1,44,000 – 36,000)
3.	Multiplier	16
4.	Loss of dependency	Rs.17,28,000/- (1,08,000 X 16)
5.	Future Prospects @ 40%	Rs.24,19,200/- (17,28,000 + 6,91,200)
6.	Loss of consortium	Rs.40,000/-
7.	Funeral expenses	Rs.15,000/-
8.	Loss of estate	Rs.15,000/-
	Total :	Rs.24,89,200/-

3. Learned counsel for the appellant-Insurance Company contends that the compensation needs to be reduced. The Tribunal has assessed the income of the deceased as Rs.12,000/- per month, merely by observing that he was a Daily Wage Labourer. The said findings are liable to be modified since as per the notification No.I.R.-2/2019/6336-6465 dated 15.02.2019, issued by the Labour Commissioner, Haryana, the minimum wages of an unskilled worker were quantified at Rs.8541.64 per month, w.e.f. 01.07.2018.



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4. Per contra, learned counsel for the cross-objector/claimants contends that the compensation needs to be enhanced. The Tribunal has rightly assessed the income of the deceased as Rs.12,000/- per month as a Labourer in the relevant period was earning at least Rs.400/- per day. It is also contended that consortium has not been awarded to all the claimants and even the compensation towards conventional heads needs to be re-determined. 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.

5. I have considered the aforesaid contentions and perused the paper-book.

6. It is not disputed that in the present case, there is no documentary evidence regarding the income of the deceased. In such circumstances, reference is to be made to the notification of the State Government in the relevant State with regard to the minimum wages. As per the notification dated 15.02.2019 aforesaid, the minimum wages of an unskilled worker in the State of Haryana were quantified at the rate of Rs.8541.64 per month, w.e.f. 01.07.2018. Said notification has been overlooked by the Tribunal, as such, income of the deceased needs to be considered at Rs.8550/- per month (rounded off).

7. The Tribunal has only awarded compensation on account of loss of consortium to the widow of the deceased. However, keeping in



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view the law laid down by the Hon'ble Apex Court in *Magma's case* (*supra*), the consortium is required to be allowed to all the claimants. Similarly, 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.8550/-
2.	Annual income	Rs.1,02,600/- [Rs.8550 x 12]
3.	Deduction 1/4 th	Rs. 76,950/- [Rs. 1,02,600 – Rs.25,650]
4.	Future prospects @ 40%	Rs.1,07,730/- [Rs.76,950 + Rs.30,780]
5.	Multiplier of '16'	Rs.17,23,680/- [Rs.1,07,730 x 16]
6.	Loss of dependency	Rs.17,23,680/-
7.	Funeral expenses	Rs.18,000/-
8.	Loss of estate	Rs.18,000/-
9.	Loss of consortium (spousal, filial and parental)	Rs.2,88,000/- [Rs.48,000/- x 6]
	Total Compensation	Rs.20,47,680/-
	Interest @ 7.5% per annum	

9. In view of the decision by the Hon'ble Supreme Court in *Parminder Singh vs. Honey Goyal & Ors., 2025 INSC 361*, the compensation amount shall be transferred by the appellant-Insurance Company in the Bank Accounts of the claimants within a period of 06 weeks from today. The particulars of the bank account(s) along with the



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requisite documents in support thereof shall be furnished by the claimants to the appellant-Insurance company within a period of two weeks from today and needful shall be done by the appellant-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.

10. In view of the above discussion, the present appeal is partly allowed. The Cross-objections are disposed of with aforesaid modification in the amount of compensation as awarded by the Tribunal.

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

25.03.2026
atulsethi

[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking / reasoned :
Whether Reportable :

Yes	No
Yes	No