113 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4762-2003 (O&M)
Date of Decision: 14.01.2026

INDER SAIN AND ORS. ...APPELLANTS

VERSUS

NANHE RAM AND OTHERS

...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None for the appellants.

Mr. Saurav Gumbal, Advocate for
Mr. Pardeep Goyal, Advocate
for Respondent No. 3.

PARMOD GOYAL, J. (ORAL)

1. The present appeal has been preferred claimants-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Sonepat (hereinafter referred to as “Tribunal”) vide the impugned award dated 17.04.2003, in a case arising from motor vehicle accident dated 15.09.2000.

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

3. The Tribunal in the present case had awarded Rs. 96,000/- as compensation after taking income of deceased to be Rs. 1,000/- and by applying multiplier of 8.

4. Learned Counsel for the claimants-appellants asserts that in the present case the deceased was a homemaker and the income ought to have been

assessed as Rs. 1,915 per month which was the minimum wage for an unskilled worker at the time of the accident. It is further contended that though no deduction was applied in the present case, however, the number of claimants is 3, hence, $1/4^{th}$ deduction would be applicable. It is further the contention of the learned counsel that no addition has been made towards future prospects. The learned counsel furthers asserts that wrong multiplier has been applied and 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 contentions, the learned counsel for the claimants-appellants has relied upon the judgments of the Hon’ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]; National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 FAO-1503-2021 (O&M)** 3 **SCC 680]; Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram & Ors. 2018 (18) SCC 130; N. Jayasree & Ors. Vs. Cholamandalam M.S General Insurance Company Ltd. 2021 (4) RCR (Civil) 642** and **Kirti & Anr. Vs. Oriental Insurance Company Ltd. 2021 (1) RCR (Civil) 478**.

5. In the present case the Tribunal has assessed the income of the deceased, who was admittedly a homemaker as Rs. 1,000/- and not on the basis of minimum wages prevalent at the time of accident. A homemaker performs multiple functions in the house and her contribution is not less than an earning member. The Hon’ble Supreme Court in the case of **Kirti** (supra) had held as under :

> *“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."

6. The deceased in the present case was 55 years of age and was a homemaker. The minimum wage for an unskilled worker prevailing at the time of the accident was admittedly Rs.1,915/- per month. Hence, the income of the deceased is assessed as Rs.1,915/- per month. Age of the deceased was admittedly 55 years at the time of accident, hence, 10% future prospects ought to be awarded in terms of the decision of Hon'ble Supreme Court in the case of **Pranay Sethi** (supra). The number of claimants are three, hence, as per the law laid down in the case of **Sarla Verma** (supra), 1/3rd deduction would be applicable. Keeping in view age of the deceased as 55 years multiplier of '11' would be applicable. Further, the compensation awarded under the conventional heads and under the head 'loss of consortium' is not adequate. Hence, the

claimants-appellants would be entitled to Rs.7,500 towards loss of estate and Rs.7,500/- towards funeral expenses and the claimants-appellants i.e. the children of the deceased would also be entitled to Rs.15,000/- each towards loss of parental consortium as accident had taken place in the year 2000.

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

Income	Rs 1,915/- per month (as per minimum wages applicable)	Rs 1,915/- per month
Deduction	1/3rd (1915-638)	Rs.1,277
Future Prospects	10% (1277+128)	Rs.1,405
Multiplier	11	11
Total loss of dependency	Rs. 1,405x12x11	Rs.1,85,460
Loss of Estate		Rs. 7,500/-
Funeral Expenses		Rs. 7,500/-
Loss of Parental consortium to claimant nos. 1,2 & 3	Rs 15,000/- x 3	Rs. 45,000/-
Total Compensation awarded in appeal		Rs.2,45,460/-
Total Compensation awarded by the Tribunal	Rs. 96,000/-	
Enhanced amount of compensation	Rs.2,45,460 /- (as awarded in appeal) – Rs. 96,000/- (as awarded by the Tribunal)	Rs.1,49,460/-

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 decision by the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors.** AIR 2025 SC 1713, after calculation of the enhanced amount the same be transferred by respondent No. 3 Insurance Company in the bank account (s) of the claimants-appellants within a period of six weeks from today. The particulars of the bank account (s) along with requisite documents in support thereof shall be furnished by the claimants-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 with up-to-date interest.

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

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

14.01.2026 **(PARMOD GOYAL)**
manoj **JUDGE**

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