



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

FAO-2540-2002

Date of Decision: 12.01.2026.

GAYA LAL AND ORS.

....Appellants

Versus

RAJ PAL AND OTHERS

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Ram Lal Yadav, Advocate and
 Mr. Sukhandeep Singh, Advocate
 for the appellant.

 Mr. Shiv Kumar, Advocate
 for respondent Nos.1 and 2.

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, Faridabad (hereinafter referred to as "Tribunal") vide the impugned award dated 27.02.2001, in a motor vehicle accident which occurred on 06.05.1998. The Tribunal in the present case had awarded an amount of Rs. 40,000/- as compensation.
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. 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. 1,641 per month which was the minimum wage for an unskilled worker at the time of the accident. It is further the contended that though no deduction was applied in the present case, however, the number of claimants is 4, hence, $1/4^{\text{th}}$ deduction would be applicable. That no 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 titled as **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr; [(2009) 6 SCC 121]; National Insurance Company Ltd. vs. Pranay Sethi & Ors; [(2017) 3 SCC 680]; Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram & Ors; 2018 (18) SCC 130; N. Jayasree & Ors. Vs. Choramandalam M.S General Insurance Company Ltd; 2021 (4) RCR (Civil) 642 and Kirti & Anr. Vs. Oriental Insurance Company Ltd; 2021 (1) RCR (Civil) 478.**

4. In the present case the Tribunal has not properly assessed the income of the deceased, who was admittedly a homemaker. A homemaker performs multiple functions and her contribution is not less than an earning member. The Hon'ble Supreme Court in the case of **Kirti & Anr. Vs. Oriental Insurance Company Ltd; 2021 (1) RCR (Civil) 478** 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.”*

5. The deceased in the present case was 65 years of age and was a homemaker.
- The minimum wage for an unskilled worker prevailing at the time of the accident was admittedly Rs.1,641/- per month. Hence, the income of the deceased is assessed as Rs.1,641/- per month. The number of claimants are four, hence, as per the law laid down in the case of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr; [(2009) 6 SCC 121]**; 1/4th deduction would be applicable. Keeping in view age of the deceased as 65 years multiplier of ‘7’ would be applicable. Further, the compensation awarded under the conventional heads and under the head ‘loss of consortium’ is also not adequate, hence, the claimants would be entitled to Rs.7,500 towards loss of estate and Rs.7,500/- towards funeral expenses and the claimants- appellants i.e. husband and children of the deceased would also be entitled to Rs.15,000/- each towards loss of spousal and parental consortium.
6. Accordingly, the reworked compensation to which the claimants– appellants are entitled to is as under:

Income	Rs. 1,641/- per month (as per minimum wages)	Rs. 1,641/- per month
Deduction	1/4 th (1641-410)	Rs.1,231/-



Multiplier	7	7
Total loss of dependency	Rs. 1,231x12x7	Rs.1,03,404/-
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 claimant Nos. 2 to 4	Rs 15,000/- x 3	Rs. 45,000/-
Total Compensation awarded in appeal		Rs.1,78,404/-
Total Compensation awarded by the Tribunal	Rs.40,000/-	
Enhanced amount of compensation	Rs.1,78,404/- (as awarded in appeal) – Rs.40,000/- (as awarded by the Tribunal)	Rs.1,38,404 /-

7. 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.
8. In view of the above discussion, the award passed by the Tribunal is modified and the present appeal stands allowed accordingly. Pending applications, if any, also stand disposed of.

12.01.2026

Ravinder

Whether speaking/reasoned
Whether reportable

: Yes/No
: Yes/No

(PARMOD GOYAL)
JUDGE