

FAO No.3960 of 2019 (O&M)

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.3960 of 2019 (O&M)

PAPPU @ DHANI RAM @ BHOLA AND ORS.
Vs
NIKHIL CHOPRA AND ORS.

.....Appellant(s)

....Respondent(s)

1	The date when the judgment was reserved	27.02.2026
2	The date when the judgment is pronounced	01.04.2026
3	The date when the judgment is uploaded on the website	01.04.2026
4	Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced	Full
5	The delay, if any, of the pronouncement of full judgment, and reasons thereof.	Not applicable

CORAM: *HON'BLE MR. JUSTICE HARKESH MANUJA*

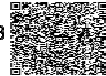
Present: Mr. Gurpreet Singh, Advocate and
 Mr. Vikram Pundir, Advocate for
 Mr. S.K. Panwar, Advocate for the appellants.

 Mr. Arvind Dhiman, Advocate for
 Mr. Sanjay Verma, Advocate for respondents No. 1 & 2.

 Ms. Jasleen Kaur Chibber, Advocate for
 Mr. Nitin Gupta, Advocate for respondent No.3.

HARKESH MANUJA, J.

[1]. By way of present appeal, challenge has been laid to an award dated 06.02.2019 passed by the learned Motor Accident Claims Tribunal, Faridabad, (for brevity, “the Tribunal”), whereby an amount of Rs.8,26,000/- was awarded as compensation to the appellants/claimants along with interest @ 8% per annum from the date of filing of claim petition till its realization on account of death of Sunita in a motor vehicular accident, occurred on 10.02.2018.

**FAO No.3960 of 2019 (O&M)**

[2]. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the learned Tribunal, a detailed narration of the facts of the case is not reproduced herein for the sake of brevity.

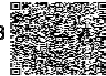
ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR THE APPELLANTS/CLAIMANTS.

[3]. Learned counsel for the appellants/claimants assailed the impugned award on multiple grounds. It was contended that the income of the deceased was assessed on the lower side and did not reflect her actual contribution to the family. He further argued that no addition towards future prospects was made, which was contrary to settled principles of law. The learned counsel submitted that the deduction of 1/4th towards personal expenses was erroneous, particularly when there were six dependents, and the appropriate deduction ought to have been 1/5th. He also contended that no compensation was awarded towards loss of love and affection and parental consortium. Additionally, the amounts granted under conventional heads were stated to be inadequate. Lastly, it was urged that the rate of interest awarded by the Tribunal was on the lower side and deserved enhancement.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR RESPONDENTS No. 1 & 2.

[4]. Per contra, learned counsel representing the respondents No. 1 & 2, neither refuted the factum of accident nor even the negligence of the offending vehicle, however submitted that in the facts and circumstances of the present case, the compensation assessed by the learned Tribunal called for no interference.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR RESPONDENT No. 3.

**FAO No.3960 of 2019 (O&M)**

[5]. Learned counsel for respondent No. 3/Insurance Company argued on the same lines as respondents No. 1 & 2 and submitted that the compensation awarded by the learned Tribunal was just and fair in the facts and circumstances of the present case.

DISCUSSION AND REASONING

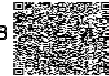
[6]. I have heard learned counsel for the parties and gone through the paper book of the case as well as the records of the Id. Tribunal. I find force in the arguments raised by the learning counsel for the appellants/claimants.

QUESTION OF INCOME ASSESSED

[7]. In the present case, deceased was a 42 years old home maker, she ought to have been treated as a skilled worker on account of multifarious roles she would have been naturally playing in her home. Insofar as the question of quantum of income is concerned, the accident in question occurred on 10.02.2018, and the minimum wages for the year of 2018 were much higher than the notional income assessed by the learned Tribunal. Sight can also not be lost of the fact that in case of a male person, even if there is no evidence regarding the income, compensation is generally awarded after taking into consideration the minimum wages prevailing at that time. Therefore, this Court has no hesitation in taking the monthly income of the deceased @ Rs.8,000/- as against Rs.6,000/- taken by the Tribunal.

QUESTION OF FUTURE PROSPECTS, MULTIPLIER AND DEDUCTION TOWARDS PERSONAL AND LIVING EXPENSES.

[8]. Further, relying upon decision rendered by co-ordinate bench of this Court in case of **“Gurtej Singh Vs. Gurnaib Singh”** bearing **FAO No. 1093 of 2019**, no deduction is liable to be made from notional income of housewife.



FAO No.3960 of 2019 (O&M)

Furthermore, future prospects are required to be added to a homemaker's notional income in view of the decision rendered by the Hon'ble Supreme Court in case of **"Rajendra Singh and Ors. Vs. National Insurance Company Limited and Others"**, reported as **2020 (3) RCR CIVIL 26**, whereby it was held that in case of death of housewife claimants are liable to be granted such benefit. Relevant excerpt thereof is reproduced hereunder:-

*"11.If the deceased had survived, in view of observations in **Lata Wadhwa (supra)**, her skills as a matured and skilled housewife in contributing to the welfare and care of the family and in the upbringing of the children would have only been enhanced by time and for which reason we hold that the appellants shall be entitled to future prospects....."*

Therefore, as per the age of the deceased, who was 42 years at the time of accident, 25% towards future prospects and multiplier of 14 is applied.

QUESTION OF ASSESSMENT UNDER CONVENTIONAL HEADS

[9]. In view of judgment of Hon'ble Apex Court in **Smt. Sarla Verma & Ors. Vs Delhi Transport Corporation & Anr., (2009) 6 SCC 121**, **National Insurance Company Ltd. vs. Pranay Sethi & Ors. (2017) 16 SCC 680** and **United India Insurance Co. Ltd. v. Satinder Kaur @ Satwinder Kaur"**, reported as **(2021) 11 SCC 780**, compensation awarded under conventional heads is also required to be reassessed. Accordingly, the claimants are entitled for Rs.18,000/- as compensation under the head of funeral expenses and Rs.18,000/- towards loss of estate. Loss of consortium is to be awarded to the tune of Rs.2,88,000/- (Rs. 48,000 x 6) as appellants/claimants are entitled for spousal and parental consortium; but simultaneously, appellants/claimants are not entitled for compensation on account of loss of love and affection.

CONCLUSION

FAO No.3960 of 2019 (O&M)

[10]. In view of what has been discussed hereinabove, the appellants/claimants shall be entitled for the grant of compensation in the following manner:-

Sr.No.	Nature	Amount (in Rs.)
1.	Annual Income of Deceased	96,000/-
2.	Add 40% future prospects	24,000/-
3	Net Income (Rs. 96,000/- + Rs. 24,000/-)	1,20,000/-
4.	Multiplier of 14 as per age of 42 years (Rs. 1,20,000 x 14)	16,80,000/-
5.	Funeral Expenses	18,000/-
6.	Loss of Estate	18,000/-
7.	Loss of Consortium (Rs. 48,000 x 6)	2,88,000/-
8.	Total Compensation	20,04,000/-
	Amount Awarded by the Tribunal	8,26,000/-
	Enhanced Amount	11,78,000/-

Accordingly, appellants/claimants shall be entitled to receive above enhanced compensation in the proportion already determined by the learned Tribunal.

[11]. The grant of interest @ 8% per annum is not just in view of the facts and circumstances of the present case; rather as per the observations made by the Hon’ble Supreme Court in Smt. Supe Dei and others Vs. National Insurance Company Limited and other, (2009) (4) SCC 513 approved in a subsequent judgment titled as Puttamma and others Vs. K.L. Narayana Reddy and another, 2014 (1) RCR (Civil) 443, thus, the interest is enhanced to 9% per annum on the amount of compensation awarded to the claimants from the date of institution of claim petition till its realization. In case the said amount is not paid within three

FAO No.3960 of 2019 (O&M)

months, the same shall be payable thereafter along with 12% interest from the expiry of period of three months from today. Needless to mention here that the amount of compensation already paid to the claimant shall be deducted from the enhanced compensation.

[12]. In view of aforesaid modification, the present appeal stands disposed of. Pending miscellaneous application(s) if any, shall also stand disposed of.

April 01, 2026	(HARKESH MANUJA)
<i>Atik</i>	JUDGE
Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No