2026:PHHC:089020

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

1. FAO-2239-2024 (O&M)

ASHOK KUMAR AND OTHERS …Appellants

Vs.

RAJINDER KUMAR AND OTHERS …Respondents

2. FAO-4899-2024 (O&M)

ASHOK KUMAR AND OTHERS …Appellants

Vs.

RAJINDER KUMAR AND OTHERS …Respondents

3. FAO-2409-2024 (O&M)

SHALU AND OTHERS …Appellants

Vs.

RAJINDER KUMAR AND OTHERS …Respondents

1	*The date when the judgment was reserved*	*29.04.2026*
2	*The date when the judgment is pronounced*	*02.07.2026*
3	*The date when the judgment is uploaded on the website*	*02.07.2026*
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. Kapish Singla, Advocate for the appellants (in all cases).

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Mr. Sachin Gupta, Advocate for Mr. Sachin Ohri, Advocate
for Insurance Company (in all cases).

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HARKESH MANUJA, J.

1. By way of this common judgment, three appeals arising out of common Award dated 15.03.2024 passed by the learned Motor Accident Claims Tribunal, Karnal, are being disposed of together, as all the claim petitions arose out of the same motor vehicular accident dated 11.04.2022.

2. As sole issue for determination in the present appeal(s) is confined to quantum of compensation awarded by the Tribunal, a detailed narration of 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 contended that the learned Tribunal erred in assessing the income of the deceased on the basis of minimum wages applicable to an unskilled labourer despite unrebutted evidence that deceased Ishma Devi and Vidya Devi were engaged in cutting and tailoring work and were also running a dairy business. He further submitted that the multiplier applied by the Tribunal was contrary to the law laid down by the Hon'ble Supreme Court. In the cases relating to deceased Jagdish Chand and Ishma Devi, the multiplier ought to have been '11' and not '9'. Likewise, in the case of deceased Vidya Devi, aged about 35 years, the appropriate multiplier was '16' and not '15'. It was further contended that the Tribunal committed a patent illegality in awarding consortium only under a single head. Reliance was placed upon ***Magma General Insurance Company Limited v. Nanu***

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Ram and ***United India Insurance Company Limited v. Satinder Kaur*** to contend that each eligible claimant was entitled to filial/parental consortium independently and the compensation under this head was required to be awarded to all claimants. Learned counsel also argued that the amounts awarded under the conventional heads were liable to be enhanced, therefore, prayed that the award of the Tribunal be suitably modified in accordance with law.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR RESPONDENT No.3/INSURANCE COMPANY.

4. Per contra, learned counsel representing respondent No. 3/Insurance Company, 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 cases, the compensation assessed by the learned Tribunal called for no interference.

DISCUSSION AND REASONING

5. I have heard learned counsels for the parties and perused the paper-book of the case. I find force in the arguments advanced by learned Counsel for the appellants.

APPEAL ARISING OUT OF DEATH OF ISHMA DEVI

QUESTION OF INCOME ASSESSED

6. In the present case, as far as the income of the deceased is concerned, the Tribunal assessed the same @ Rs. 9,803/- per month on a notional basis in the absence of any documentary evidence, though the claimant had asserted that the deceased was earning Rs. 40,000/- per month while working as a tailor besides running a milk dairy. Since,

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the documentary evidence, in the form of ledger or income tax records, were not placed on record to substantiate the claim of income of Rs. 40,000/- per month, therefore, this figure cannot be accepted by the Court on its face value. In this situation, observations made by the Hon'ble Supreme Court in the case of ***"Laxmidhar Nayak v. Jugal Kishore Behera"*** reported as ***(2018) 1 SCC 746,*** notional income of house wife-cum-agricultural labour, who died in the year 1991 was considered as Rs. 4,500/- per month. (Due to passage of so many years, there would be substantial hike in the minimum wages of ordinary labours).

6.1 Even in the case of ***"National Insurance Co. Ltd. vs. Dhan Singh"*** reported as ***2019 (3) PLR 301,*** notional income of housewife was assessed @ Rs. 11,000/- per month by this Court while awarding compensation in relation to an accident dated 20.09.2017.

6.2 Therefore, the notional income of house wife needs to be considered keeping in mind multifarious services rendered by her for the family; the expenses for cook service, maid servant service, housekeeping expenses and keeping in mind the savings accrued due to all these services. Even the invaluable emotional support and the contribution of house wife to her husband, children and in-laws, cannot be assessed in terms of money. Thus, keeping in mind the above considerations, notional income of the deceased as housewife-cum-seamstress could not be assessed less than Rs. 15,000/- per month against an accident which took place on 11.04.2022.

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<u>QUESTION REGARDING FUTURE PROSPECTS, MULTIPLIER AND DEDUCTION TOWARDS PERSONAL EXPENSES.</u>

7. Further, relying upon decision rendered by co-ordinate bench of this Court in case of ***<u>"Gurtej Singh Vs. Gurnaib Singh"</u>*** bearing ***<u>FAO No. 1093 of 2019,</u>*** no deduction is liable to be made from notional income of housewife. 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 ***<u>"Rajendra Singh and Ors. Vs. National Insurance Company Limited and Others"</u>***, reported as ***<u>2020 (3) RCR CIVIL 26,</u>*** 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……..."*

7.1 Therefore, in view of the law laid down by the Hon'ble Supreme Court in ***<u>"National Insurance Company Co. Ltd. vs. Pranay Sethi & Ors. (2017) 16 SCC 680",</u>*** and having regard to the fact that deceased Ishma Devi was 55 years of age at the time of the accident, her assessed income is liable to be enhanced by 10% towards future prospects. Since the multiplier of '9' applied by the Tribunal is not in conformity with the law laid down in ***<u>Sarla Verma v. Delhi Transport Corporation,"</u>*** reported as ***<u>2009 (3) RCR (Civil) 77</u>*** the same is modified and substituted with the multiplier of '11'.

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QUESTION OF COMPENSATION UNDER CONVENTIONAL HEADS

8. Furthermore, in view of the judgment of the Hon'ble Apex Court in ***Sarla Verma's case (supra)***, ***Pranay Sethi's case (supra)*** and ***"United India Insurance Co.Ltd. vs. Satinder Kaur",*** reported as ***(2021) 11 SCC 780,*** compensation awarded under conventional heads is also required to be assessed accordingly. Appellants/claimants are thus, held entitled for Rs. 18,000/- as compensation under funeral head and Rs. 18,000/- towards loss of estate. Loss of Consortium is assessed to the tune of Rs. 2,88,000/- (48,000 x 6) as appellants/claimants being the children are entitled to parental consortium.

CONCLUSION

9. In view of the discussion made herein above, the appellants/claimants are held entitled for the grant of compensation in the following manner:-

S.No.	Nature	Amount (in Rs.)
1.	Annual Income of deceased	1,80,000/-
2.	Add 10% future prospects	18,000/-
3.	Total Income (Rs. 1,80,000+ Rs. 18,000)	1,98,000/-
4.	**Loss of Income after applying multiplier of 11 as per the age of 55 years (Rs. 1,98,000 x 11)**	**21,78,000/-**
5.	**Loss of Consortium**	**2,88,000/-**
6.	**Funeral expenses**	**18,000/-**
7.	**Loss of estate**	**18,000/-**
	Total compensation	**25,02,000/-**
	Amount Awarded by the Tribunal	**10,22,716/-**
	Enhanced Amount	**14,79,284/-**

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

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APPEAL ARISING OUT OF DEATH OF JAGDISH CHAND

QUESTION OF INCOME ASSESSED

10. In the present case, as far as the income of the deceased is concerned, the Tribunal assessed the same @ Rs. 9,803/- per month on a notional basis in the absence of any documentary evidence, though the claimant had asserted that the deceased was earning Rs. 30,000/- per month while working as a labourer. Since, the documentary evidence, in the form of ledger or income tax records, has not been placed on record to substantiate the claim of income of Rs. 30,000/- per month, therefore, this figure cannot be accepted by the Court on its face value. In this situation, observations made by the Hon'ble Apex Court in case of ***"Chandra @ Chanda @ Chandararam vs. Mukesh Kumar Yadav & Ors.",*** reported as ***(2022) 1 SCC 198,*** held that in the absence of proof of income, the minimum wage notification can be a yardstick but at the same time cannot be absolute one to fix the income of the deceased and some guesswork is required to be done to assess the income. Relevant excerpt thereof is reproduced hereunder:-

> *"…….In the absence of salary certificate the minimum wage notification can be a yardstick but at the same time cannot be an absolute one to fix the income of the deceased. In the absence of documentary evidence on record some amount of guesswork is required to be done. But at the same time the guesswork for assessing the income of deceased should not be totally detached from reality. Merely because claimants were unable to produce documentary evidence to show the monthly income of Shivpal, same does not justify adoption of lowest tier of minimum wage while computing the income. There is no reason to discard the oral evidence of the wife of the deceased who has deposed that late Shivpal was earning around Rs. 15,000/- per month……"*

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10.1 Considering the facts of the present case, wherein it is the case of the claimant/appellant that the deceased was working as a labourer and earning Rs. 30,000/- per month, it cannot be denied that the deceased was having a reasonable and steady source of income, sufficient to maintain himself and contribute to his family. Considering the age, nature of work, and prevalent minimum wages applicable to skilled/unskilled labourer during the relevant period, this Court reasonably assesses the income of deceased @ Rs. 10,650/- per month, which shall form basis for computation of compensation.

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

11. The deceased was aged 57 years and thus addition towards future prospects to the extent of 10% is liable to be granted in view of judgment of Hon'ble Supreme Court in ***"National Insurance Co. Ltd. v. Pranay Sethi,"*** reported as ***2017 (16) SCC 680.*** Since the deceased left behind six dependents, deduction towards personal expenses is rightly liable to be assessed at 1/4th in terms of judgment of Hon'ble Supreme Court in ***"Sarla Verma v. Delhi Transport Corporation,"*** reported as ***2009 (3) RCR (Civil) 77***. The multiplier of '9' applied by the Tribunal is in consonance with law laid down in ***Sarla Verma's case (supra)*** and does not call for interference.

QUESTION OF COMPENSATION UNDER CONVENTIONAL HEADS

12. Furthermore, in view of the judgment of the Hon'ble Apex Court in ***Sarla Verma's case (supra)***, ***Pranay Sethi's case (supra)*** and ***"United India Insurance Co.Ltd. vs. Satinder Kaur",*** reported as

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(2021) 11 SCC 780, compensation awarded under conventional heads is also required to be assessed accordingly. Appellants/claimants are thus, held entitled for Rs. 18,000/- as compensation under funeral head and Rs. 18,000/- towards loss of estate. Loss of Consortium is assessed to the tune of Rs. 2,88,000/- (48,000 x 6) as appellants/claimants being the children are entitled to parental consortium.

CONCLUSION

13. In view of the discussion made herein above, the appellants/claimants are held entitled for the grant of compensation in the following manner:-

S.No.	**Nature**	**Amount (in Rs.)**
1.	Annual Income of deceased	1,27,800/-
2.	Add 10% future prospects	12,780/-
3.	Total Income (Rs. 1,27,800 + Rs. 12,780)	1,40,580/-
4.	Deduction (1/4th)	35,145/-
5.	Net Income (Rs. 1,40,580 – Rs. 35,145)	1,05,435/-
6.	**Loss of Income after applying multiplier of 9 as per the age of 57 years (Rs. 1,05,435 x 9**	**9,48,915/-**
7.	**Loss of Consortium**	**2,88,000/-**
8.	**Funeral expenses**	**18,000/-**
9.	**Loss of estate**	**18,000/-**
	Total compensation	**12,72,915/-**
	Amount Awarded by the Tribunal	**10,22,716/-**
	Enhanced Amount	**2,50,199/-**

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

APPEAL ARISING OUT OF DEATH OF VIDYA RANI

QUESTION OF INCOME ASSESSED

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14. In the present case, as far as the income of the deceased is concerned, the Tribunal assessed the same @ Rs. 9,803/- per month on a notional basis in the absence of any documentary evidence, though the claimant had asserted that the deceased was earning Rs. 40,000/- per month while working as a tailor besides running a milk dairy. Since, the documentary evidence, in the form of ledger or income tax records, has not been placed on record to substantiate the claim of income of Rs. 40,000/- per month, therefore, this figure cannot be accepted by the Court on its face value. In this situation, observations made by the Hon'ble Supreme Court in the case of ***"Laxmidhar Nayak v. Jugal Kishore Behera"*** reported as ***(2018) 1 SCC 746,*** notional income of house wife-cum-agricultural labour, who died in the year 1991 was considered as Rs. 4,500/- per month. (Due to passage of so many years, there would be substantial hike in the minimum wages of ordinary labours).

14.1 Even in the case of ***"National Insurance Co. Ltd. vs. Dhan Singh"*** reported as ***2019 (3) PLR 301,*** notional income of housewife was assessed @ Rs. 11,000/- per month by this Court while awarding compensation in relation to an accident dated 20.09.2017.

14.2 Therefore, the notional income of house wife needs to be considered keeping in mind multifarious services rendered by her for the family; the expenses for cook service, maid servant service, housekeeping expenses and keeping in mind the savings accrued due to all these services. Even the invaluable emotional support and the contribution of house wife to her husband, children and in-laws, cannot

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be assessed in terms of money. Thus, keeping in mind the above considerations, notional income of the deceased as housewife-cum-seamstress could not be assessed less than Rs. 15,000/- per month against an accident which took place on 11.04.2022.

QUESTION REGARDING FUTURE PROSPECTS, MULTIPLIER AND DEDUCTION TOWARDS PERSONAL EXPENSES.

15. 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. 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……..."*

15.1 Therefore, in view of the law laid down by the Hon'ble Supreme Court in ***"National Insurance Company Co. Ltd. vs. Pranay Sethi & Ors. (2017) 16 SCC 680",*** and having regard to the fact that deceased Ishma Devi was 35 years of age at the time of the accident, her assessed income is liable to be enhanced by 40% towards future

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prospects. Since the multiplier of '15' applied by the Tribunal is not in conformity with the law laid down in ***Sarla Verma v. Delhi Transport Corporation,"*** reported as ***2009 (3) RCR (Civil) 77*** the same is modified and substituted with the multiplier of '16'.

QUESTION OF COMPENSATION UNDER CONVENTIONAL HEADS

16. Furthermore, in view of the judgment of the Hon'ble Apex Court in ***Sarla Verma's case (supra)***, ***Pranay Sethi's case (supra)*** and ***"United India Insurance Co.Ltd. vs. Satinder Kaur",*** reported as ***(2021) 11 SCC 780,*** compensation awarded under conventional heads is also required to be assessed accordingly. Appellants/claimants are thus, held entitled for Rs. 18,000/- as compensation under funeral head and Rs. 18,000/- towards loss of estate. Loss of Consortium is assessed to the tune of Rs. 1,44,000/- (48,000 x 3) as appellants/claimants being the children are entitled to parental consortium.

CONCLUSION

17. In view of the discussion made herein above, the appellants/claimants are held entitled for the grant of compensation in the following manner:-

S.No.	Nature	Amount (in Rs.)
1.	Annual Income of deceased	1,80,000/-
2.	Add 40% future prospects	72,000/-
3.	Total Income (Rs. 1,80,000+ Rs. 72,000)	2,52,000/-
4.	**Loss of Income after applying multiplier of 16 as per the age of 35 years (Rs. 2,52,000x 16)**	**40,32,000/-**
5.	**Loss of Consortium**	**1,44,000/-**
6.	**Funeral expenses**	**18,000/-**
7.	**Loss of estate**	**18,000/-**
	Total compensation	**42,12,000/-**

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	Amount Awarded by the Tribunal	**17,37,820/-**
	Enhanced Amount	**24,74,180/-**

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

18. The grant of interest @ 7.5% per annum is not equitable and just in view of the observations made by the Hon'ble Supreme Court in ***"Smt. Supe Dei and others vs. National Insurance Company Limited and other,*** reported as ***(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 re-assessed from the date of institution of claim petition till its realization. In case the said amount is not paid within three 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.

19. In view of the foregoing discussion, the present appeal(s) preferred at the instance of appellants/claimants stand allowed. Pending miscellaneous application(s), if any, shall also stand disposed of.

July 02, 2026 **(HARKESH MANUJA)**
sonika **JUDGE**

(i) Whether reasoned/speaking? Yes (ii) Whether reportable? Yes

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