

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****114****FAO-3277-2022(O&M)****Date of decision: 01.05.2026****Kuldeep Kaur & Others****...Appellant(s)****Vs.****Jaswant Singh & Others****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Mr. Vivek Suri, Advocate
for the appellants.

*********NIDHI GUPTA, J.**

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.17,13,600/- awarded by the Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter 'the learned Tribunal') vide Award dated 05.04.2022 passed in MACP-96 dated 03.07.2019 filed under Section 166 of Motor Vehicles Act (hereinafter "the Act"). The 4 claimants are the 29-year-old widow, 6-year-old son, 53-year-old mother and 57-year-old father of deceased Baljinder Singh, who was 29 years old at time of accident.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties, concluded that the deceased Baljinder Singh had died due to the injuries



suffered by him in a motor vehicular accident that took place on 08.06.2019 due to the rash and negligent driving of Canter bearing registration No.PB-11-CF-9629 (hereinafter “the offending vehicle”) owned by respondent No.1, insured by respondent No.2, and being driven by respondent No.3. The compensation has been awarded along with interest @ 9% per annum. Respondents were held jointly and severally liable to pay the compensation.

3. Learned counsel for the appellants seeks enhancement of compensation by submitting that the appellants had proved that the deceased was a Car Mechanic and as such, his income ought to have been taken at least as that of a skilled worker. Yet the Tribunal has assessed income of the deceased as only Rs.8000/- per month. It is submitted that even as per the relevant Minimum Wage Notification, income for an unskilled worker is also Rs.8451/- per month; and for a semi-skilled worker it is Rs.9231/- per month. It is accordingly contended that income of the deceased deserves to be reassessed. Learned counsel for the appellants has handed over copy of the relevant Minimum Wage Notification, which is taken on record.

4. It is further submitted that even under the conventional heads, the learned Tribunal has awarded nothing. It is accordingly prayed that the present appeal be allowed; and the impugned Award be modified/enhanced.

5. Per contra, Id. counsel for the respondent No.2 opposes the submissions on behalf of appellants and submits that the impugned Award suffers from no error; and the present appeal deserves to be dismissed.



6. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail. I find merit in the submissions advanced on behalf of the appellants.

7. Perusal of record of the case shows that it was the pleaded case of the appellants that prior to the accident, the deceased was a Car Mechanic and earning Rs.20,000/- per month. However, as appellants had failed to adduce any evidence to prove the said alleged avocation or income, the learned Tribunal has assessed income of the deceased as Rs.8000/- per month. However, a perusal of the Minimum Wage Notification issued by the State of Punjab produced by the learned counsel for the appellants shows that as on 01.03.2019, Minimum Wages for an unskilled labourer is to be taken as Rs.8451/- per month. Accordingly, income of the deceased is re-assessed as Rs.8451/- per month.

8. Age of deceased was determined to be 29 years on the basis of his Post-Mortem Report (Ex.C2). Accordingly, the learned Tribunal had made an addition of 40% towards future prospects; and correctly applied multiplier of 17. As there were 4 claimants, deduction of $\frac{1}{4}$ th has been correctly made.

9. Further, perusal of the impugned Award shows that although in Para 16 of the Award, the learned Tribunal has observed that claimant No.1 is entitled to loss of estate of Rs.15,000/-; Rs.40,000/- for loss of love and affection and Rs.15,000/- for funeral expenses; however, has omitted to make the said additions at the time of calculating the total amount of



compensation as Rs.17,13,600/-. Even otherwise, the claimants No.2 to 4 are also entitled to Rs.40,000/- each towards filial and parental consortium. In view of the above discussion, present appeal is **allowed**; the compensation payable to the appellants is re-assessed in the following manner:-

Head	Awarded by learned Tribunal	Re-assessed compensation
Income	Rs.8000/- per month	Rs.8451/- per month
Deduction	(25%) Rs.72,000/-	(25%) Rs.8451/- - Rs.2112.75/- = Rs.6,338.25/-
Addition towards future prospects	(40%) Rs.28,800/-	(40%) Rs.6,338.25/- + Rs.2535.3/- = Rs.8,873.55/-
Total income	Rs.1,00,800/-	Rs.8,873.55/- x 12 = Rs.1,06,482.6/-
Multiplier	17	(17) Rs.1,06,482.6/- x 17 = Rs.18,10,204.2/-
Loss of estate	--	Rs.15,000/-
Funeral expenses	--	Rs.15,000/-
Loss of consortium	--	Rs.40,000/- x 4 = Rs.1,60,000/-
Total	Rs.17,13,600/-	Rs.20,00,204.2/-
Interest	9% p.a.	9% p.a.

10. Pending application(s) if any also stand(s) disposed of.

01.05.2026
Sunena

(Nidhi Gupta)
Judge

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