237 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3977-2005 (O&M)
Date of Decision:29.04.2026

RAGHBIR SINGH & ORS

...Appellants

Versus

BIJENDER SINGH & ANR

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: None for the appellants.

Mr. Ayushi Jain, Advocate for
Mr. Pardeep Goyal, Advocate
for respondent No.4-Insurance Company.

PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by the husband, three children of the deceased-Krishna (hereinafter referred to as the "Deceased"), who had died in road accident which took place on 16.07.2002, on account of rash and negligent driving by Respondent No. 1 while driving bus bearing registration No. HR46A/6906.

2. Being aggrieved by the impugned award dated 13.04.2005 passed by the Motor Accident Claims Tribunal, Rohtak (hereinafter referred to as "Tribunal"), vide which the appellants were found entitled to total compensation of Rs.1,63,600/-, the appellants are seeking enhancement of compensation awarded by the Tribunal as the same is not according to their entitlement.

3. Since in present appeal the only issue raised by appellants-claimants is as regards to quantum of compensation the detailed facts as regards to manner of accident are not being noticed for the sake of brevity.

4. The Tribunal in the present case had awarded the following compensation:

Income	Rs.1,600/- per month
Multiplier	8
Total loss of dependency	Rs.1,53,600/-
Last rites	Rs.10,000/-
Total compensation awarded	Rs.1,63,600/-

5. Learned counsel for appellants-claimants has sought enhancement in compensation on following grounds that :

- Future prospects were not added while determining loss of dependency. Future prospects to the extent 25% of monthly income needs to be added as the deceased was 50 years of age at the time of accident.
- The deduction towards personal expenses of the deceased ought to be 1/4th keeping in view the number of dependents to determine loss of dependency.
- Multiplier applied by learned Tribunal is ‘8’ whereas, keeping in view the age of deceased the multiplier of ‘13’ ought to have been granted.
- Appropriate compensation amount needs to be granted under the heads loss of consortium, funeral expenses and loss of estate in accordance with law laid down by Hon’ble Supreme Court.

6. It is the case of the appellants-claimants that the deceased was 54 years old at the time of accident and was earning Rs.8,000/- per month by doing tailoring work and giving tuitions. Raghbir Singh, husband of the deceased who appeared as PW2 stated that the deceased did tailoring work and gave tuitions and earned Rs.8,000/- per month. However, except for oral assertions nothing has been brought on record to show the vocation and

income of the deceased. In absence of any cogent evidence to show income and vocation of the deceased minimum wages prevalent at the time of accident would be applicable. The learned Tribunal, however, has placed reliance upon Ex.P7, birth certificate of the deceased, as per which age of deceased was mentioned as 51 years. The learned tribunal has taken the income of the deceased as Rs.1,600/- per month.

7. Income of the deceased ought to be taken as per minimum wages prevalent at the time of the accident. Deceased has to be taken as a housewife and minimum wages of unskilled worker will be applicable.

8. Merely because deceased was housewife, her contribution towards family cannot be considered any lesser than an earning member. A housewife contributes immensely towards the welfare of family and her contribution cannot be less than an earning member, who would have earned and contributed to the family in cash. This view of mine find support from **Kirti Singh and Anr. Vs. Oriental Insurance Company Ltd.** 2021 (1) RCR (Civil) 478. The deceased in the present case was 51 years of age and a home-maker. The minimum wage for an unskilled worker prevailing at the time of the accident was admittedly Rs.2,050/- per month. In present case, future prospects have not been granted by learned Tribunal. In view of **National Insurance Company Ltd. Vs. Pranay Sethi and Ors.**, 2017 (16) SCC, appellants are entitled to future prospects to the extent of 10% as deceased was 51 years. The number of claimants who had survived deceased are four hence, 1/4th deduction would be applicable to determine the loss of dependency. The multiplier in present case needs to be taken as per age of deceased, which was 51 years and accordingly multiplier of '11' would be appropriate instead of '8' as awarded by the Tribunal. Further, the

compensation awarded under the conventional heads and under the head 'loss of consortium' is not just and sufficient and needs to be granted/enhanced. Appellants-claimants would be entitled to Rs.7,500/- towards loss of estate and Rs.7,500/- towards funeral expenses and the Rs.15,000/- each towards loss of spousal and parental consortium.

9. Accordingly, re-worked compensation payable to appellants-claimants is as under:-

Income	Rs.2,050/- per month	Rs.2,050/- per month
Future Prospects	10% (2050+512)	Rs.2,562/-
Deduction	1/4th (2562-640)	Rs.1,922/-
Multiplier	11	11
Total loss of dependency	Rs.1,922 x 12 x 16	Rs.2,53,704/-
Loss of Estate		Rs.7,500/-
Funeral Expenses		Rs.7,500/-
Loss of spousal and parental consortium		Rs.15,000/-
Loss of parental consortium to claimants No.2, 3 and 4	Rs.15,000/- X 3	Rs.45,000/-
Total Compensation awarded by the Tribunal	Rs.1,63,600/-	
Total Compensation awarded in appeal		Rs.3,28,704/-
Enhanced amount of compensation	Rs.3,28,704/- (as awarded in appeal) – Rs.1,63,600/- (as awarded by Tribunal)	Rs.1,65,104/-

10. Appellants-claimants shall also be entitled to interest over enhanced amount to the extent of 7.5% from the date of filing of claim petition till its realization. The apportionment and liability of respondents to pay compensation shall be as per award. Appeal is allowed accordingly.

11. Pending application(s), if any, is/are disposed of accordingly.

(PARMOD GOYAL)
JUDGE

29.04.2026
Ravinder

Whether Speaking/Reasoned	:	Yes/No
Whether Reportable	:	Yes/No