



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

FAO-4757-2022 (O&M)
Date of Decision: April 28, 2026

Smt.Lali and others

...Appellants

VERSUS

Tika Ram Yogi and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Arvind Kumar Yadav, Advocate,
for the appellants.

Mr.Vipul Sharma, Advocate for
Mr.Paul S. Saini, Advocate
for respondent No.3.

ARCHANA PURI, J.

The present appeal has been filed by the appellants-claimants, thereby, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, on account of death of Ram Prasad, in a motor vehicular accident.

At this stage, counsel for the appellants-claimants submits that he has no objection, if the earnings of the deceased are taken as un-skilled worker, as prevalent, on the date of accident.

Suffice to consider that the accident had taken place on 11.09.2018.

On appraisal of the evidence, brought on record, learned



Tribunal had held that the accident had taken place, on account of rash and negligent driving of tractor bearing registration No.RJ-14RA-2314, driven by respondent No.1-Tika Ram Yogi and the same resulted into death of Ram Prasad.

Further, on appraisal of the evidence, learned Tribunal had considered the deceased as a labourer and took his minimum wages, as per the notification, prevalent in State of Haryana w.e.f. 01.01.2017, as Rs.8280.20 per month and thereupon, considering the deceased to be 20 years old and un-married, deduction to the extent of 1/2 as 'personal expenses' was made and the monthly amount, on the count of loss of dependency was taken as Rs.4140/-, the annual whereof was Rs.49,680/-. Addition of 40% was made, on the count of 'future prospects', which was to the extent of Rs.19872/- and thus, the total annual loss of dependency was worked upon as Rs.69,552/-. Multiplier of '18' was applied and the compensation was worked upon as Rs.12,51,936/-.

Besides the aforesaid, an amount of Rs.15,000/- each was awarded, on the counts of 'loss of estate' and 'funeral expenses'. On the count of 'loss of consortium', an amount of Rs.40,000/- was awarded. Thus, in total, the compensation was awarded to the extent of **Rs.13,21,936/-**.

The date of the accident in the present case is 11.09.2018. Keeping in view the date of accident, which, as such, is not disputed, learned counsel for the insurance company submits that the amount of minimum wages, as prevalent on 11.09.2018, has been wrongly considered by learned Tribunal and he has no objection, if the prevalent minimum wages as on 11.09.2018, are taken and the compensation is re-worked upon.



So far as, the earnings of deceased are concerned, even though, it was the pleaded case that the deceased was earning Rs.30,000/- per month, but however, he was labourer and no sufficient evidence, as such, had come on record and thereupon, the compensation was worked upon, while considering the deceased to be an un-skilled worker.

As per the notification, prevalent in the State of Haryana, at the relevant time, the minimum wages were Rs.8541.64 per month. Considering the same, this Court deems it appropriate to re-work the extent of compensation, while assessing the earnings of the deceased as Rs.8550/- per month.

Undisputedly, the deceased was 20 years old and was a bachelor. Therefore, deduction, on the count of 'personal expenses' ought to be made to the extent of 1/2 and thus, the monthly dependency comes to be Rs.8550-4275=Rs.4275/-. Considering the age of the deceased, addition of 40% ought to be made, which is to be extent of Rs.1710 and thus, the monthly earnings of the deceased is worked upon as Rs.4275+1710=Rs.5985/-, annual whereof comes to be Rs.5985x12=Rs.71,820.

Considering the age of the deceased, as per *Smt.Sarla Verma vs. Delhi Transport Corporation and anr., 2009(3) RCR (Civil) 77*, the suitable multiplier, to be applied is '18', as applied by learned Tribunal and thus, by applying the same, the loss of dependency, works out to be Rs.71,820x18=Rs.12,92,760/-.

Besides the same, under the conventional heads, the compensation awarded by learned Tribunal also calls for enhancement. Learned Tribunal had awarded an amount of Rs.40,000/-, on the count of



‘loss of consortium. However, as per *Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130*, all the claimants/dependents are entitled to compensation, on the count of ‘loss of consortium, be it ‘filial’, ‘spousal’ or ‘parental’, which also comprehends ‘loss of love and affection’. As per *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, the prevalent amount, on the count ‘loss of consortium’ is Rs.48,400/- and thus, appellants-claimants (qua the remaining five) are also entitled to the aforesaid amount i.e. $\text{Rs.48,400} \times 5 = \text{Rs.2,42,000/-}$.

On the count of ‘loss of estate’ and ‘funeral expenses’, the appellants-claimants are entitled to the amount of Rs.15,000/- on each count, as awarded by learned Tribunal.

Considering the same, the compensation payable to appellants-claimants, on account of death of Ram Prasad, is re-computed, as herein given:-

Loss of dependency	Rs.12,92,760/-
Loss of consortium awarded by learned Tribunal	Rs.40,000/-
Loss of consortium to appellants-claimants No.2 to 6	Rs.2,42,000/-
Funeral expenses	Rs.15,000/-
Loss of estate	Rs.15,000/-
Total	Rs.16,04,460/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.16,04,460-13,21,936=Rs.2,82,824/-**. The enhanced amount of compensation shall be disbursed to the appellants-claimants, in equal shares. The remaining terms



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of the Award shall remain the same.

With the above observations, the present appeal stands allowed.

The pending civil misc. applications, if any, shall stand disposed of.

April 28, 2026
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No