(Pronouncement)

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

FAO No. 3621 of 2023 (O&M)
Reserved On: 25.02.2026
Pronounced On: 11.03.2026

Sheela and another

...Appellants

Versus

Dimple Kumar and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Argued By: Mr. Jaspreet Singh, Advocate for
Mr. Vishal Sharda, Advocate
for the appellants-claimants.

Mr. R.C. Kapoor, Advocate
for respondent No. 3-Insurance Company.

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HARKESH MANUJA, J.

By way of present appeal, challenge has been laid to an award dated 24.04.2023 passed by the learned Motor Accident Claims Tribunal, Kurukshetra **(for brevity, "the Tribunal")**, whereby an amount of Rs. 19,35,400/- was awarded as compensation to the appellants/claimants along with interest @ 9% per annum from the date of filing of petition till its realization on account of death of Deepak in a motor vehicular accident, that occurred on 09.09.2021.

[2] Since the sole issue for determination in the present appeal is confined to the quantum of compensation, a detailed narration of the facts of the case is omitted herein for the sake of brevity.

ARGUMENTS:

ON BEHALF OF THE APPELLANTS-CLAIMANTS

[3] Learned counsel for the appellants/claimants assailed the impugned award, contending that the deceased was truck driver and was earning approximately ₹30,000/- per month; however, the learned Tribunal erred in assessing his monthly income at ₹12,000/- on the basis of minimum wages notified by the Labour Department, Government of Haryana. It was principally argued that the learned Tribunal ought to have relied upon the DC rates notified by the District Commissioner for determining the income of the deceased, the same being more reflective of the prevailing wages. Learned counsel further contended that the compensation awarded under the conventional heads, as well as the rate of interest granted, was also on the lower side, thus prayed for enhancement.

ON BEHALF OF 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 of the present case, 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.

QUESTION AS TO THE INCOME OF THE DECEASED

[6] In the present case, Smt. Sheela, mother of the deceased, while appearing as PW-1, deposed that the deceased was working as a truck driver and earning ₹30,000 per month; however, no cogent evidence was led in support thereof. The learned Tribunal considered copy of 'C' certificate of NCC (Ex.P-12), certificate of training in handling of riffle issued by Home Guards Haryana (Ex. P13) , training certificates of Gardener and Nursey Raising and Dairy Farming issued by Ch. Charan Singh Haryana Agriculture University, Krishi Vigyan Kendra, Kaithal (Ex.P-14 & Ex.P-15), employment certificate (Ex.P16), Bachelor of Arts certificate (Ex.P-17) , experience certificate issued by Shiv Tralla Company showing employment as a driver from 05.05.2018 to 04.05.2019 (Ex.P18), and electrician certificate issued by the National Council for Vocational Training (Ex. P-19), which collectively established that the deceased was a skilled and trained person. The Tribunal also noted that the minimum wages w.e.f. 01.07.2021 for skilled labour were ₹11,915.86 per month and for a heavy vehicle driver, it were ₹12,511.65 per month, and that Ex.P-18 reflected prior earnings of ₹10,000 per month. On that basis, the income was assessed at ₹12,000 per month.

[6.1] Learned counsel for the appellants/claimants while relying upon the judgment of ***United India Insurance Company Ltd. v. Rajnesh Devi and others*** passed in ***FAO No. 4272 of 2016(O&M),*** contended that the Deputy Commissioner (DC) rates furnish a more realistic basis for assessing the income of the deceased and ought to have been preferred over the minimum wages. In the humble opinion of this Court, the learned Tribunal while relying upon the aforesaid documentary evidence rightly concluded that the deceased was a skilled worker, however, it erred in assessing the income of the deceased based upon minimum wages.

[6.2] It is well settled that minimum wages serve only as a guiding benchmark and not an absolute standard for determining income. The Hon'ble Supreme Court in case of "***Jakir Hussein v. Sabir and others***", reported as ***2015(2) R.C.R (Civil)141*** has held that,

> *"the wage rate as per the minimum wage notification is only a yardstick and not an absolute factor to be taken to determine the compensation under the future loss of income. Minimum wage, as per the State government notification alone may at times fail to meet the requirements that are needed to maintain the basic quality of life since it is not inclusive of factors of cost of living index."*

[6.3] In view of the aforesaid discussion, this Court is of the opinion that in the facts and circumstances of present case, DC rates would be a more realistic criterion rather than minimum wages to assess the income of the deceased. Since the deceased was a self-employed truck driver residing in Kaithal, accordingly the DC rates for District Kaithal for the year 2021–22 indicate a monthly income of ₹19,947/-. Furthermore, considering his skills, training and experience in various fields, and likelihood of better earning prospects as established from the aforementioned documents produced on record before the learned Tribunal, the monthly income of the deceased is reasonably assessed at ₹24,000/-.

QUESTION OF FUTURE PROSPECTS, MULTIPLIER AND DEDUCTION TOWARDS PERSONAL EXPENSES

[7] In the present case, the deceased-Deepak at the time of death was 24 years of age and the same was established from the copy of his driving licence (Ex.P-10), copy of his secondary school examination certificate (Ex.P-11), and copy of his 'C' certificate of NCC(Ex.P-12) wherein his date of birth was shown as 25.10.1996. Thus, the learned Tribunal while placing reliance upon ***"Smt. Sarla Verma and others vs. Delhi Transport Corporation and another"***, reported as ***2009(3) RCR (Civil) 77***, and ***"National Insurance Co. Ltd. vs. Pranay Sethi and others***" reported as ***(2017) 16 SCC 680*** rightly granted 40% of the income towards future prospects and appropriately applied multiplier of 18. Further, as the deceased was a bachelor and had only his parents as dependents with no medical disability attached to them, the learned Tribunal was right in applying 50% deduction towards his personal expenses.

QUESTION OF COMPENSATION UNDER CONVENTIONAL HEADS

[8] Furthermore, in view of the judgment of the Hon'ble Apex Court in ***Smt. 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. The 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. 96,000/- (48,000 x 2) as appellants/claimants being the parents of the deceased are entitled to filial consortium.

CONCLUSION

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

S.No.	Nature	Amount (in Rs.)
1.	Annual Income of Deceased (monthly income Rs. 24,000/-)	Rs. 2,88,000/-
2.	Deduction (1/2nd)	Rs. 1,44,000/-
3.	Net Income (Rs.2,88,000-Rs. 1,44,000)	Rs. 1,44,000/-
4.	Future Prospects (40%)	Rs. 57,600/-

5.	Total Income (Rs.1,44,000 + Rs.57,600)	Rs. 2,01,600/-
6.	**Loss of Income after applying multiplier of 18 as per the age of 24 years (2,01,600 x 18)**	**Rs. 36,28,800/-**
7.	**Loss of estate**	**Rs. 18,000/-**
8.	**Funeral Expenses**	**Rs. 18,000/-**
9.	**Loss of Consortium (48,000 x 2)**	**Rs. 96,000/-**
10.	**Total compensation**	**Rs. 37,60,800/-**
11.	**Amount Awarded by the Tribunal**	**Rs. 19,35,400/-**
12.	**Enhanced Compensation (10-11)**	**Rs. 18,25,400/-**

Thus, the appellants shall be entitled for enhanced compensation in the proportion already granted by the Tribunal.

[10] The grant of interest @ 9% interest per annum from the date of institution of claim petition is 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*** and approved in a subsequent judgment titled as ***"Puttamma and others vs. K.L. Narayana Reddy and another, 2014 (1) RCR (Civil) 443"***. In case the said amount is not paid within three months, the same shall be payable thereafter along with 12% interest from the date of expiry of period of three months from today. Needless to mention here that the amount of compensation already paid to the claimants shall be deducted from the enhanced compensation.

[11] In view of the aforesaid modification, the present appeal stands **disposed off**.

[12] Pending miscellaneous application(s), if any, shall also stand(s) disposed off.

March 11, 2026 **(HARKESH MANUJA)**
'dk kamra' **JUDGE**

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