



FAO-3312-2009 (O&M)

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

FAO-3312-2009 (O&M)

Decided on : 06.03.2026

Hem Lata & ors.

....Appellants

Versus

Pawan Kumar & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- Ms. Himani Jamwal, Advocate
for the appellants.

Mr. Pardeep Goyal, Advocate with
Ms. Ayushi Jain, Advocate
for respondent No.3-Ins. Co.

PANKAJ JAIN, J. (ORAL)

1 The claimants are in appeal seeking enhancement of compensation awarded in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988 (for short, 'the 1988 Act'), on account of death of Ravinder Kumar, who died in a motor vehicular accident dated 12.01.2008 at the age of 30 years.

2 As per the claimants, the deceased Ravinder Kumar was earning his livelihood as a Mason and was earning Rs. 7,500/- per month.

3 Tribunal awarded compensation taking the wages of the deceased as Rs.3,500/- per month and applied 1/3rd deduction on account of dependency. No future prospects were awarded. Though age of the deceased was proved to be 30 years yet multiplier of 14 has been applied.

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4 After hearing counsel for the parties and after carefully perusing the records of the case, this Court finds that the award passed by the Tribunal needs to be modified. The compensation needs to be re-worked in terms of ratio of law laid down by Supreme Court in the case of *Sarla Verma and others v. Delhi Transport Corporation and another*, 2009 ACJ 1298, *National Insurance Company Ltd. vs. Pranay Sethi and others*, 2017(4) RCR (Civil)1009 and *Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors.*, 2018(4) RCR (Civil) 333. By now it is settled practice that the minimum wages notified by State and the Minimum Wages Act, 1948 can be taken as a measure to determine wages of the deceased in the absence of any evidence to prove the same.

5 Keeping in view notification dated 23.03.2007 issued by State of Haryana which was in vogue on the date of accident, the deceased is assessed as a skilled worker and held to be earning Rs.4,290/- per month. Future prospects of 40% need to be added. Keeping in view number of dependents, 1/4th deduction needs to be applied. In view of ratio of law laid down in *Sarla Verma's case (supra)*, multiplier of 17 is appropriate. Each of the claimants are held to be entitled for Rs. 48,400/- on account of loss of consortium. Rs.18,000/- are awarded for funeral expenses. Rs.18,000/- are awarded for loss of estate. The apportionment shall abide by the award passed by the Tribunal. Since the claimants by now must have attained majority, the amount be released as per their share.

6 With the aforesaid modification in the impugned award, the appeal is disposed off.

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7 Needless to say, the appellants shall be entitled to interest @7% per annum on the enhanced amount from date of filing of the claim petition till the date of actual realization. Any amount already paid to the claimants shall be set off.

06.03.2026*Pooja Sharma-I***(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned:

Yes/No

Whether reportable:

Yes/No