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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4826-2019 (O&M)
Date of Decision : 11.03.2026

SARABJIT KAUR AND ANR. .... Appellants

VERSUS

ISHA AND ORS. .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Bhavyadeep Walia, Advocate for the appellants.
(joined through hybrid mode)

Mr. Vinod Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'the Tribunal') vide award dated 03.05.2019.

2. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal, are not being adverted to herein for the sake of brevity.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹7,568
2.	Future prospects @ 25%	[₹7,568 + ₹1,892] = ₹9,460
3.	Deduction 1/3rd	[₹9,460 - ₹3,153] = ₹6,307
4.	Annual income	[₹6,307 x 12] = ₹75,684
5.	Multiplier of 13	[₹75,684 x 13] = ₹9,83,892
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
8.	Loss of consortium	₹40,000
	Total Compensation	**₹10,53,982**
	Interest	**@ 6% per annum**

4. Learned counsel for the claimant-appellants would contend that the income has wrongly been assessed as ₹7,568 per month inasmuch as the deceased was working as a Tailor and his income ought to have been assessed as per the minimum wages applicable to a skilled worker. It is further the contention that even in the absence of any evidence regarding the income of the deceased, the same ought to have been taken as that of a skilled worker in view of the statement of CW1 Sarabjit Kaur who stated that her husband (deceased) was working as a Tailor. In support of his argument, learned counsel for the claimant-appellants has relied upon the judgment of the Hon'ble Supreme Court in the case of **Kubrabibi & Ors. vs. Oriental Insurance Co. Ltd. & Ors. [2023 SCC Online SC 1855]**. It is further the contention of the learned counsel that though the claimant-appellants do not challenge the deduction made towards personal expenses, the addition made towards future prospects and the multiplier as applied by the Tribunal, however, the amounts under the conventional heads as well as under the head

loss of consortium are not in accordance with the law laid down by the Hon'ble Supreme Court. In support of his contentions the learned counsel for the claimant-appellants has relied upon the judgments of the Hon'ble Supreme Court in the cases of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**, **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]** and **N. Jayasree & Ors. vs. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra*, learned counsel for respondent No.3 has contended that there was no evidence brought on the record to even remotely suggest that the deceased was working as a Tailor. Learned counsel has pointed out to the cross-examination of Sarabjit Kaur, who appeared as CW1, wherein she admitted her signatures on Ex.RX wherein it is stated that she had received an amount of ₹2,60,000 from respondent No.1. In the said statement it has been mentioned that her husband (deceased) was earning ₹7,000 - ₹8,000 per month. Learned counsel has further pointed to the statement of Vinod Kumar, who appeared as CW2, wherein he identified his signatures on Ex.RX and Ex.RY and admitted that he had received an amount of ₹2,60,000 from respondent No.1 on the death of Lala Ram and that the FIR was got cancelled and that he had made the statement to this effect in the Court also. It is further the contention that sufficient amount had already been awarded as compensation in the present case and that there is no scope of any enhancement.

6. Heard.

7. In the present case the argument of the claimant-appellants that the income has wrongly been assessed as ₹7,568 deserves to be rejected as there is no evidence which has been brought on the record to even remotely suggest that the deceased was working as a Tailor. Further still, Sarabjit Kaur, the wife of the deceased, categorically admitted in her cross-examination that Ex.RX was signed by her wherein it is stated that her husband used to earn ₹7,000 - ₹8,000 per month and further admitted having received an amount of ₹2,60,000 as compensation. The son of the deceased also stepped into the witness box as CW2. He also admitted having signed the document Ex.RY and admitted having received an amount of ₹2,60,000. Once it is an admitted case that Ex.RX was signed by CW1 Sarabjit Kaur herself wherein she had categorically stated that her husband used to earn ₹7,000 - ₹8,000 per month, no fault can be found with the assessment of the income as ₹7,568 per month. The judgment in the case of **Kubrabibi & Ors.** (supra) would not come to the aid of the claimant-appellants as the same is distinguishable on facts. The income is accordingly upheld. Since there is no challenge to the deduction made towards personal expenses, the addition made towards future prospects and the multiplier as applied by the Tribunal, the same are maintained.

8. Further, the amounts awarded under the conventional heads and under the head loss of consortium are not as per the law laid down by the Hon'ble Supreme Court in the cases of **Pranay Sethi** (supra), **Magma General Insurance Company Limited** (supra) and **N. Jayasree** (supra). Hence, the claimant-appellants would be entitled to ₹18,000 (₹15,000 + 20% increase) towards loss of estate and ₹18,000 (₹15,000 + 20% increase)

towards funeral expenses. The claimant-appellants and proforma respondents No.4 to 6, being the widow and the children of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

9. Accordingly, the reworked compensation to which the claimant-appellants and proforma respondents No.4 to 6 are entitled to is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹7,568
2.	Future prospects @ 25%	[₹7,568 + ₹1,892] = ₹9,460
3.	Deduction 1/3rd	[₹9,460 - ₹3,153] = ₹6,307
4.	Annual income	[₹6,307 x 12] = ₹75,684
5.	Multiplier of 13	[₹75,684 x 13] = ₹9,83,892
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Spousal (ii) Parental	 ₹48,000 [₹48,000 x 4] = ₹1,92,000 Total = ₹2,40,000
	Total Compensation	**₹12,59,892**

10. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount. The amount shall be apportioned between the claimant-appellants and proforma respondents No.4 to 6 as directed by the Tribunal.

11. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 (SC) 1713]**, after calculation of the enhanced amount, the same be transferred by respondent No.3 in the bank accounts of the claimant-appellants and proforma respondents No.4 to 6 within a period of six weeks from today. The particulars

of the bank accounts along with the requisite documents in support thereof shall be furnished by the claimant-appellants to respondent No.3 within a period of two weeks from today and needful shall be done by respondent No.3 after verification thereof within a period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

12. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

11.03.2026 **(ALKA SARIN)**
Aman Jain **JUDGE**
NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No