IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6818-2010 (O&M)
Date of Decision: January 27, 2026

Krishna Devi and others

...Appellants

VERSUS

Rekha Ram and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Khushboo Garg, Advocate for
Mr.Abhilaksh Grover, Advocate
for the appellants.

Mr.R.N.Singhal, Advocate
for respondent No.3.

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ARCHANA PURI, J.

The present appeal has been filed by the appellants-claimants, thereby, questioning the adequacy of the compensation, awarded by learned Tribunal, on account of death of Jai Singh, in a motor vehicular accident, which took place on 06.11.2008.

So far as, factum of the accident, manner of taking place of the same and the liability fastened upon the respondents, is concerned, it is pertinent to mention that none of the respondents, who were made liable, have filed any appeal, to assail the findings on these aspects. As such, the matter, on this count requires no further scrutiny.

Be it noted that the present appeal has been filed by the appellants-claimants, only to seek enhancement of the compensation.

On appraisal of the evidence, brought on record, learned Tribunal, had concluded about deceased Jai Singh to be 45 years old and indulging in agricultural pursuit. Considering the jamabandis, coming on record and the extent of land in possession of Jai Singh to be 68 Kanal 18 Marla and also considering him to be cultivating land to the extent of 8 acres, his earnings were assessed, a little above the earnings of casual labourer, to be Rs.3500/- per month, annual whereof is Rs.42,000/-. 1/3rd was deducted towards 'personal expenses' and the residue was worked upon as Rs.28000/- per annum. Considering the age of the deceased to be 45 years, at the relevant time, multiplier of 14' was applied and compensation was worked upon as Rs.3,92,000/-. Besides the same, another amount of Rs.5000/- each was awarded towards performance of last rites and towards loss of estate. Further, Rs.10,000/- was awarded to appellant-claimant No.1, on the count of 'loss of consortium'. In total, the amount awarded, as such, was Rs.4,12,000/-.

Apart from it, an amount of Rs.6,75,000/- as 'medical expenditure' was awarded, on the basis of the treatment undergone by Jai Singh, after the accident and prior to his death on 27.11.2008. Thus, the total compensation awarded was Rs.10,87,000/-.

As per the settled law, definitely, the 'work on' aforesaid, do call for re-computation.

From the evidence, brought on record, it stands amply established that deceased was 45 years old, at the time of accident and he was working as an agriculturist. Krishna Devi, widow of deceased, stepped into witness box as PW-10. In her affidavit Ex.PW10/A, she has categorically stated about her relationship with the deceased, his age as well as his source of livelihood. She categorically stated therein, about the deceased to be owner of 13 ½ acres of land in village Gangwa and Dewan and she also deposed that he was earning Rs.25,000/- per month.

Furthermore, the appellants-claimants also examined PW-2 Pirthi Singh, Patwari, who brought the summoned record and proved jamabandi for the year 2003-2004 and mutation Ex.P19 and Ex.P20. In cross-examination, he clarified that as per mutation Ex.P20, Jai Singh has half share, out of the total land of 70 Kanal 4 Marla. PW-3 Jagdish Chander Patwari, proved jamabandis for the year 2004-2006 Ex.P21 to Ex.P23 and deposed that, as per record, Jai Singh is in possession of 68 Kanal 18 Marlas of agricultural land in village Gangwa.

Besides the aforesaid, PW-4 Rajmal, tendered into evidence, his affidavit Ex.PW4/A, wherein, he deposed about having engaged by Krishna, widow of Jai Singh, to look after the agricultural work of 13¼ acres of land of village Gangwa. He also stated that he was getting salary of Rs.500/- per month and Rs.50/- per day for refreshment.

However, while considering the age of son of the deceased as well as taking into consideration the fact of 'J' forms, not having come on record, to make the assessment of the sale of produce, it was concluded that the deceased was self-employed agriculturist, on about 8 acres of land and his earnings were assessed, as little over than the casual labourer and it was taken to be Rs.3500/- per month.

Furthermore, from the revenue record, it thus stands established that the deceased was owner of the agricultural land and approximately, he was having 8 acres of land. Such being the extent of cultivation of the land, the earnings of the deceased, as such, cannot be outrightly almost equated with that of a labourer. It is pertinent to mention that the accident had taken place on 06.11.2008 and at the relevant time, the minimum wages of a labourer were Rs.3664/- per month. Meaning thereby, the extent of earnings taken by learned Tribunal, is miserably on a lower side.

Even though, the agricultural land must still be available with the appellants-claimants, but however, it is on account of loss of managerial skills of the deceased, the compensation is to be worked upon, qua the agricultural land.

In this regard, beneficial reference is made to decision rendered in ***K.Ramya and others vs. National Insurance Company Ltd. and another, 2022(4) RCR (Civil) 435***, wherein, reliance was placed upon ***State of Haryana vs. Jasbir Kaur (2003) 7 SCC 484***, wherein, it was observed as herein given:-

> *8. x-x-x-x*
> *The land possessed by the deceased still remains with his legal heirs. There is however a possibility that the claimants may be required to engage persons to look after agriculture. Therefore, the normal rule about the deprivation of income is not strictly applicable to cases where agricultural income is the source. Attendant circumstances have to be considered.*
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> *(Emphasis Applied)*

Considering the aforesaid, it was held that the computation of individual's managerial skills, ought to be taken into consideration.

Beneficial reference is made to ***Hapreet Kaur & Ors. vs. Mohinder Yadav & Ors., 2023(1) RCR (Civil) 327***, wherein, the Hon'ble Supreme Court had held that the documentary evidence, on record showed that the deceased was cultivating 66 acres and entitled to third of value of produce from income of those agricultural lands. Therein, it was observed that generally, 1/3rd of the value of produce from the income of the agricultural land, is required to be taken into consideration.

As adduced from the evidence brought on record, the deceased is bound to be an affluent person. Any agriculturist, who indulges in self-cultivation, is bound to be a man of enterprise and therefore, bound to be instrumental in increasing the income from the land. The deceased was central to the income generating activity of the family, more particularly, when the son was doing graduation and was not of such mature age. Therefore, the death of Jai Singh affected income generating capacity and therefore, the loss of dependency, on that score was vital.

Considering the extent of ownership of the land, as depicted in the jamabandis, duly brought on record and also taking into consideration the managerial skills of the deceased and also considering the affluent background of the family, on which account, they could afford the treatment of the deceased, after the accident, til his death, in a hospital at New Delhi and in the fitness of circumstances, in modest estimate, the earnings of the deceased, as such, are taken as Rs.10,000/- per month, annual whereof, comes to be Rs.1,20,000/-.

To the aforesaid amount, considering the age of the deceased, addition of 25% ought to be made, on the count of 'future prospects'. Considering the number of dependents, deduction to the extent of 1/3rd, on the count of 'personal expenses', ought to be made, as done by learned Tribunal. The suitable multiplier, to be applied is '**14**'.

Besides the aforesaid, under the conventional heads also, more specifically, on the count of 'loss of consortium', the amount ought to be enhanced. An amount of Rs.10,000/- has been awarded only to appellant-claimant No.1. However, as per ***Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130***, all the 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 minimum amount payable is Rs.40,000/-. While applying enhancement clause to the extent of 10%, after every three years of passing of the judgment, the compensation payable to each dependent is Rs.48,400/-. Thus, all the appellants-claimants are also entitled to compensation, on the count of 'loss of consortium' to the extent of Rs.48,400/- each i.e. Rs.48,400x3=**Rs.1,45,200/-**. Even, on the count of 'loss of estate' and 'funeral expenses', the amount now payable is **Rs.18,150/-** on each count.

Moreover, learned Tribunal has appropriately granted an amount of **Rs.6,75,000/-**, on the count of medical expenditure incurred on the treatment of deceased, soon after the accident, prior to his death.

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

Annual Earnings	Rs.1,20,000/-
Addition of 25%	Rs.1,20,000+30,000=Rs.1,50,000/-
Deduction of 1/3rd	Rs.1,50,000-50,000=Rs.1,00,000/-
Multiplier of '14'	Rs.1,00,000x14=**Rs.14,00,000/-**
Loss of consortium	**Rs.1,45,200/-**
Loss of estate	**Rs.18,150/-**
Funeral expenses	**Rs.18,150/-**
Medical expenses	**Rs.6,75,000/-**

Total	**Rs.22,56,500/-**

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.22,56,500-10,87,000=Rs.11,69,500/-**. On the enhanced amount of the compensation i.e. **Rs.11,69,500 /-**, the appellants-claimants, shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation. Out of the enhanced compensation, as now worked upon aforesaid, appellant-claimant No.1 is held entitled to **Rs.7,69,500/-**, whereas, appellants-claimants No.2 and 3 are held entitled to **Rs.2,00,000/-** each.

The impugned Award dated 17.04.2010 stands modified, to the extent, as indicated aforesaid.

In view of the aforesaid observations, the present appeal stands allowed.

January 27, 2026 **(ARCHANA PURI)**
Vgulati **JUDGE**

Whether speaking/reasoned **Yes**
Whether reportable **Yes/No**