IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1022-2014 (O&M)
Reserved on: 20.04.2026
Pronounced on: 27.04.2026
Uploaded on: 28.04.2026

AZRA ANSARI AND OTHERS

......APPELLANTS

Versus

DAVINDER KUMAR AND OTHERS

......RESPONDENTS

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

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Present: Ms. Ekta Thakur, Ms. Pawandeep Kaur and Ms. Kajal, Advocates, for the appellants.

Mr. Ramesh Sharma, Advocate, for respondent No.1.

Mr. Sanjeev Kodan & Mr. Nigam Bhardwaj, Advocates, for the respondent No.2 (Insurance Company)

Service of respondent No.3 is dispensed with vide order dated 06.05.2016

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AMARINDER SINGH GREWAL, J.

1. The present appeal has been filed by the appellants–claimants seeking enhancement of the compensation awarded by the learned Motor Accident Claims Tribunal, Chandigarh (hereinafter "*the Tribunal*"), vide Award dated 07.02.2013, whereby a sum of ₹8,06,240/- was granted on account of the death of Aleem, husband of the appellant No.1, in the motor vehicular accident dated 28.10.2010, due to rash and negligent driving of respondent No.1.

2. Learned counsel for the appellants-claimants submitted that the Award dated 07.02.2013 passed by the learned Tribunal was wholly inadequate and insufficient. Further, it was contended that the deceased Aleem, who met with a motor vehicular accident on 28.10.2010 at the age of 35 years, was a Tailor by profession who was earning ₹15,000/- per month. He was the sole breadwinner of the family and he has left behind his widow, two minor children and an aged father. Consequently, the learned Tribunal had gravely erred in assessing the income of the deceased as ₹4,200/- per month by treating him as a mere skilled worker, despite unrebutted testimony of appellant No.1 (PW-1), who categorically deposed regarding his vocation and income, which remained unshaken during cross-examination. Furthermore, the learned Tribunal has erred in granting only 30% addition towards future prospects, whereas, considering the nature of profession of the deceased, at least 50% addition ought to have been made. Additionally, the compensation awarded under conventional heads is grossly inadequate, as only ₹5,000/- each towards funeral expenses and loss of estate and ₹10,000/- towards loss of consortium have been granted, whereas in view of the law laid down by the Hon'ble Supreme Court, an amount of ₹1,25,000/- ought to have been awarded under these heads, including for the minor child.

2.1 Lastly, it is contended that the interest awarded @6% per annum is on the lower side and ought to have been enhanced to at least @12% per annum. Thus, the claimants are entitled to just and reasonable compensation to the tune of ₹20,00,000/-. Reliance has been placed on judgement rendered by Hon'ble Supreme Court in ***Shivkumar M. vs. The Managing Director, BMTC, 2017 (5) SCC 79.***

3. *Per contra*, learned counsel for respondent No.1 (driver of offending vehicle) as well as learned counsel for respondent No.2-Insurance Company submitted that the Award passed by the learned Tribunal does not suffer from any irregularity or infirmity, and that the findings recorded therein are well-reasoned on the basis of the material available before the learned Tribunal. It was accordingly contended that no ground is made out for interference in appeals.

4. I have heard learned counsel for the parties and examined the record, with their able assistance.

5. The findings of the learned Tribunal with respect to the age of the deceased are affirmed. However, the learned Tribunal has erred in law in awarding compensation on the lower side, inasmuch as it has applied a lesser percentage towards future prospects and assessed the notional income on the lower side. Additionally, the learned Tribunal has granted inadequate amounts under the conventional heads. Consequently the quantum of compensation deserves to be reassessed in the light of the settled principles governing motor accident claims.

6. While examining the question regarding the income of the deceased, it is noticed that the learned Tribunal has assessed the income of the deceased at ₹4,200/- per month, on the ground that there was no documentary evidence on record to establish that he was a Tailor. In the present case, appellant No.1 (PW-1) has categorically deposed that the deceased was working as a Tailor and earning ₹15,000/- per month, and nothing material has emerged in her cross-examination to discredit the said assertion. Even otherwise, this Court cannot lose sight of the fact that the accident occurred on 28.10.2010, and

the minimum wages prescribed for a skilled worker in Chandigarh at the relevant time were ₹5,800/- per month. A Tailor, by no stretch of imagination, can be treated below the category of a skilled worker. Therefore, in the absence of cogent documentary proof, the minimum wages applicable to a skilled worker at the relevant time shall be applicable in the present case. Consequently, the income of the deceased is re-assessed at ₹5,800/- per month.

7. Further, the deceased was 35 years of age, as reflected in the post-mortem report. In view of the law laid down by the Hon'ble Supreme Court in ***National Insurance Company Limited v. Pranay Sethi (2017) 16 SCC 680***, 40% is liable to be added towards future prospects, and the appropriate multiplier applicable for the age group is '16', with deduction of 1/4th towards personal expenses as there are four dependents. Hence, the compensation amounts to ₹11,69,280/- (₹5,800 + 40% = ₹8,120 × 12 = ₹97,440 − 1/4th = ₹73,080 × 16 = ₹11,69,280).

8. In addition, thereto, each claimant is held entitled to ₹48,400/- towards consortium (₹48,400 × 4 claimants = ₹1,93,600/-). Further, the claimants are entitled to ₹18,150/- towards loss of estate and ₹18,150/- towards funeral expenses (escalation @10% every three years as per the law laid down by the Hon'ble Supreme Court in ***Pranay Sethi's case*** (*supra*). Accordingly, the total compensation payable to the claimants is computed as ₹13,99,180/- (₹11,69,280 + ₹1,93,600/- + ₹18,150/- + ₹18,150/-)

9. The enhanced compensation in the appeal, i.e. ₹5,92,940/- (₹13,99,180/- − ₹8,06,240/-) shall also carry interest @ 7.5% per annum from the date of filing of the claim petition till its realization, payable by respondent No.2 to the appellants-claimants in equal ratio. Hence, the appeal is allowed in

above terms.

10. Pending application(s), if any, shall also stand disposed of.

April 27, 2026 **(AMARINDER SINGH GREWAL)**
nitin/ss **JUDGE**

Whether speaking/reasoned:-	Yes/No
Whether Reportable:-	Yes/No