2026:PHHC:086411

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4392-2013 (O&M)

KIRAN AND OTHERS **…Appellants**

Vs.

NARENDER AND OTHERS **…Respondents**

1	*The date when the judgment was reserved*	*18.04.2026*
2	*The date when the judgment is pronounced*	*02.06.2026*
3	*The date when the judgment is uploaded on the website*	*02.06.2026*
4	*Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced*	*Full*
5	*The delay, if any, of the pronouncement of full judgment, and reasons thereof.*	*Not applicable*

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present: Ms. Deepika, Advocate
for the appellants.

Mr. Shashi Kumar Yadav, Advocate
for respondent No.3/Insurance Company.

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HARKESH MANUJA, J.

1. The present appeal has been preferred by the appellants/claimants under Section 173 of the Motor Vehicles Act, 1988, challenging the award dated 02.04.2013 passed by the learned Motor Accident Claims Tribunal, Narnaul (for short, "the Tribunal"), whereby compensation to the tune Rs. 6,49,800/- along with interest @ 7.5% per annum from the date of filing of the claim petition till realization was awarded on account of death of Jai Prakash in a motor vehicular accident dated 05.04.2012.

2. As sole issue for determination in the present appeal is confined to quantum of compensation awarded by the Tribunal, a detailed narration of facts of the case is not reproduced herein for the sake of brevity.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR THE APPELLANTS/CLAIMANTS.

3. Learned counsel for the appellants contended that the compensation awarded by the Tribunal was on the lower side and deserved enhancement. It was argued that the learned Tribunal assessed the income of the deceased at Rs.4,200/- per month without any reasonable basis and failed to take into consideration the minimum wages prevailing in the State of Haryana at the relevant time. He further argued that no addition towards future prospects was granted despite the deceased being about 34 years of age. Learned counsel also submitted that inadequate compensation was awarded under the conventional heads of consortium, funeral expenses and loss of estate. Lastly, it was urged that the rate of interest awarded was equally unjust and contrary to settled judicial precedents, therefore, he prayed that the award of the Tribunal be suitably modified in accordance with law.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR 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 and circumstances of the present case, the compensation assessed by the learned Tribunal called for no interference.

DISCUSSION AND REASONING

5. I have heard learned counsel for the parties and perused the paper-book of the case. I find substance in the arguments advanced by the learned counsel for the appellants/claimants.

QUESTION OF INCOME ASSESSED

6. The primary controversy revolves around the determination of the income of the deceased at the time of the accident. The claimants asserted that the deceased was employed as a Khallasi on the offending vehicle and was earning Rs.6,000/- per month. However, no documentary evidence was produced to establish the exact income. Nevertheless, the Tribunal itself recorded a finding that the deceased was an able-bodied person and was earning his livelihood through labour work. The accident occurred in April, 2012. In the absence of cogent proof of income, the Courts are required to make a realistic assessment keeping in view the nature of avocation, prevailing minimum wages and surrounding circumstances.

6.1 In this situation observations made by the Hon'ble Apex Court in ***"Chandra @ Chanda @ Chandraram vs. Mukesh Kumar Yadav & Ors."***, reported as ***(2022) 1 SCC 198,*** to the effect that in the absence of proof of income, the minimum wage notification can be a yardstick but at the same time cannot be absolute one to fix the income of the deceased and some guesswork is required to be done to assess the income. Relevant excerpt thereof is reproduced hereunder:-

> *“…….In the absence of salary certificate the minimum wage notification can be a yardstick but at the same time cannot be an absolute one to fix the income of the deceased. In the absence of documentary evidence on record some amount of guesswork is required to be done. But at the same time the guesswork for assessing the income of deceased should not be totally detached from reality. Merely because claimants were unable to produce documentary evidence to show the monthly income of Shivpal, same does not justify adoption of lowest tier of minimum wage while computing the income. There is no reason to discard the oral evidence of the wife of the deceased who has deposed that late Shivpal was earning around Rs. 15,000/- per month……”*

6.2 Keeping in view the nature of employment of the deceased and the minimum wages prevailing in the State of Haryana during the year 2012, this Court is of the considered opinion that monthly income of the deceased deserves to be assessed at Rs.5,000/- per month instead of Rs.4,200/- per month assessed by the Tribunal.

QUESTION OF FUTURE PROSPECTS, MULTIPLIER AND DEDUCTION TOWARDS PERSONAL EXPENSES.

7. The deceased was aged 34 years and thus addition towards future prospects to the extent of 40% is liable to be granted in view of judgment of Hon’ble Supreme Court in ***“National Insurance Co. Ltd. v. Pranay Sethi,”*** reported as ***2017 (16) SCC 680.*** Since the deceased left behind four dependents, deduction towards personal expenses is rightly liable to be assessed at 1/4th in terms of judgment of Hon’ble Supreme Court in ***“Sarla Verma v. Delhi Transport Corporation,”*** reported as

2009 (3) RCR (Civil) 77. The multiplier of '16' applied by the Tribunal is in consonance with law laid down in ***Sarla Verma's case (supra)*** and does not call for interference.

QUESTION OF COMPENSATION UNDER CONVENTIONAL HEADS

8. Furthermore, in view of the judgment of the Hon'ble Apex Court in ***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. 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. 1,92,000/- (48,000 x 4) as appellants/claimants being the widow, children and mother are entitled to spousal, parental and filial consortium.

COMPENSATION TOWARDS MEDICAL EXPENSES

9. So far as medical expenses are concerned, the claimants produced medical bills amounting to Rs.24,973/-, and the learned Tribunal awarded a sum of Rs.25,000/- under the said head. However, it is a matter of common experience that during prolonged treatment, attendants and family members are often unable to preserve each and every bill, receipt and voucher pertaining to medicines, investigations, transportation and other incidental expenses. The evidence on record establishes that the deceased remained under treatment for a considerable period, during which substantial expenditure would have been incurred. In such circumstances, strict insistence upon documentary proof of every expense would be unrealistic. Accordingly, keeping in view the nature and duration of treatment undergone by the deceased, this Court considers it just and reasonable to award a sum of Rs.1,00,000/- towards medical and allied expenses.

CONCLUSION

10. In view of the discussion made herein above, the appellants/claimants are held entitled for the grant of compensation in the following manner:-

S.No.	Nature	Amount (in Rs.)
1.	Annual Income of deceased	60,000/-
2.	Add 40% future prospects	24,000/-
3.	Total Income (Rs. 60,000+ Rs. 24,000)	84,000/-
4.	Deduction (1/4th)	21,000/-
5.	Net Income (Rs. 84,000 – Rs. 21,000)	63,000/-
6.	**Loss of Income after applying multiplier of 16 as per the age of 34 years (Rs. 63,000 x 16)**	**10,08,000/-**
7.	**Loss of Consortium**	**1,92,000/-**
8.	**Funeral expenses**	**18,000/-**
9.	**Loss of estate**	**18,000/-**
10.	**Medical Expenses**	**1,00,000/-**
	Total compensation	**13,36,000/-**
	Amount Awarded by the Tribunal	**6,49,800/-**
	Enhanced Amount	**6,86,200/-**

Accordingly, appellants/claimants shall be entitled to receive above enhanced compensation in the proportion already determined by the learned Tribunal.

11. The grant of interest @ 7.5% per annum is not 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*** approved in a subsequent judgment titled as ***"Puttamma and others vs. K.L. Narayana Reddy and another, 2014 (1) RCR (Civil) 443,*** thus, the interest is enhanced to 9% per annum on the amount of compensation re-assessed from the date of institution of claim petition till its realization. In case the said amount is not paid within three months, the same shall be payable thereafter along with 12% interest from the expiry of period of three months from today. Needless to mention here that the amount of compensation already paid to the claimant shall be deducted from the enhanced compensation.

12. In view of the foregoing discussion, the present appeal preferred at the instance of appellants/claimants stand allowed. Pending miscellaneous application(s), if any, shall also stand disposed of.

June 02, 2026 **(HARKESH MANUJA)**
sonika **JUDGE**

(i) Whether reasoned/speaking? Yes/No

(ii) Whether reportable? Yes/No