

2026:PHHC:034024



IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-6967-2010 (O&M)

AMANDEEP KAUR AND OTHERS Appellants

Vs.

GURMEET SINGH AND OTHERS Respondents

1	<i>The date when the judgment was reserved</i>	09.02.2026
2	<i>The date when the judgment is pronounced</i>	06.03.2026
3	<i>The date when the judgment is uploaded on the website</i>	06.03.2026
4	<i>Whether only operative part of the judgment is pronounced or whether the full judgment is pronounced</i>	Full
5	<i>The delay, if any, of the pronouncement of full judgment, and reasons thereof.</i>	Not applicable

CORAM: HON’BLE MR. JUSTICE HARKESH MANUJA

Present: Mr. Munish Jolly, Advocate
 for the appellants.

 Mr. S.S. Sarwar, Advocate
 for respondents No. 1 and 2.

HARKESH MANUJA, J.

CM-29985-CII-2010

This is an application seeking condonation of delay of 351 days in re-filing the appeal.

Notice of the application.

Learned counsel appearing on behalf of respondents No. 1 & 2 accepts notice though oppose to the prayer made in the application, however, does not wish to file reply to it.

Upon hearing learned counsel for the parties and considering the averments made in the application, which is duly supported by an affidavit, the same is allowed as sufficient cause has been made out. The delay of 351 days in re-filing the present appeal is thus hereby condoned.

CM-22086-CII-2023

The present application is filed on behalf of the applicants-appellants seeking permission to place on record the Jamabandi for the year 2016-17 (Annexure P-3) pertaining to Village Nukhediayan, Tehsil and District Patiala, Punjab.

Notice of the application.

Learned counsel appearing on behalf of the respondents No. 1 & 2 accepts notice and does not oppose to the prayer made in the application.

In view of the averments made in the application, which is duly supported by an affidavit, the same is allowed and the Jamabandi for the year 2016-17 (Annexure P-3) is taken on record.

MAIN CASE

1. By way of present appeal, challenge has been laid to an award dated 28.05.2009 passed by the learned Motor Accident Claims Tribunal, Patiala (for brevity, "the Tribunal"), whereby a sum of Rs. 3,41,000/- each

was awarded as compensation to the appellants/claimants along with interest @ 9% per annum from the date of institution of claim petition till its actual realization on account of death of Ram Singh and Sarabjit Kaur.

2. A claim petition came to be filed before the learned Tribunal, praying for grant of compensation to the tune of Rs. 60,00,000 (Rupees sixty lakhs only) along with interest @ 18% per annum on account of death of Ram Singh and Sarabjit Kaur in a vehicular accident which took place on 04.06.2008 while alleging rash and negligent driving of respondent No. 1-driver.

3. After going through the pleadings and evaluating the evidence led by the claimants/appellants, learned Tribunal arrived at a conclusion that the accident occurred on account of rash and negligent driving of respondent No.1/driver; holding both the respondents jointly and severally liable and a sum of Rs. 3,41,000/- each was awarded as compensation on account of death of Ram Singh and Sarabjit Kaur.

4. Being aggrieved of the award dated 28.05.2009 passed by the learned Tribunal, the present appeal was preferred by the appellants/claimants for enhancement of compensation. Facts, as specified in the claim petition, about the manner of the accident and the issue regarding negligence of the driver recorded in favour of the appellants/claimants by the learned Tribunal, being not under challenge, are not being repeated here for the sake of brevity.

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

5. Learned counsel for the appellants/claimants submitted that the learned Tribunal gravely erred in law and on facts while assessing the

income of the deceased Ram Singh as that of a mere labourer and fixed the same at a notional sum of Rs. 3,000/- per month, despite there being cogent, reliable and uncontroverted evidence on record to establish that he was an agriculturist and running a dairy business, earning approximately Rs. 20,000/- per month. Deposition of PW-1, duly corroborated by contemporaneous documentary evidence in the shape of milk sale registers and commission agents receipts, having been proved in accordance with law, could not have been discarded without any justifiable reason. He further submitted that the learned Tribunal failed to take into consideration the settled principle that in claim proceedings under the Motor Vehicles Act strict rules of evidence were not to be applied and the claimants-being minor children and an aged mother- were only required to establish their case on the touchstone of preponderance of probabilities. Learned counsel also argued that the multiplier applied was also on the lower side in view of the age of the deceased. He thus, submitted, that compensation awarded was wholly inadequate and contrary to the material available on record and the impugned award warranted suitable enhancement to ensure grant of just and fair compensation.

ARGUMENTS ON BEHALF OF LEARNED COUNSEL FOR RESPONDENTS No. 1 & 2.

6. Per contra, learned counsel for respondents No. 1 & 2 neither refuted the factum of accident nor even the negligence of the offending vehicle, however submitted that in the facts of the present case, the compensation assessed by the learned Tribunal called for no interference.

DISCUSSION AND REASONING

7. I have heard learned counsel for the parties and perused the paper-book of the case. I find force in the arguments advanced by learned Counsel for the appellants.

QUESTION OF INCOME ASSESSED (RAM SINGH)

8. In the present case, perusal of the record indicates that deceased-Ram Singh, was 40 years of age at the time of the accident and engaged in agriculture as well as running a dairy business, earning approximately Rs. 20,000/- per month. The learned Tribunal, however, assessed his monthly income @ Rs. 3,000/- only. A careful examination of Exhibits P1 to P9 comprising entries relating to the sale of milk and Exhibits P12 to P16, being the receipts issued by commission agent through whom the deceased used to sell his agricultural produce, coupled with the statement of Krishan Kumar (PW-1), clearly established that the deceased was running a dairy and selling milk to the extent of Rs. 80 KG per day. The learned Tribunal thus, erred in discarding the same by applying strict rules of evidence, which were not required to be adhered to in proceedings under the Motor Vehicles Act. Consequently, in the considered opinion of this Court, and in view of the material available on record, the monthly income of the deceased is assessed @ Rs. 20,000/-.

QUESTION OF INCOME ASSESSED (SARABJIT KAUR)

9. A perusal of the record reveals that the deceased-Sarabjit Kaur was 34 years of age at the time of the accident and a homemaker providing household services to her husband, children and other family members. The learned Tribunal, assessed the monthly income of the deceased @ Rs. 3,000/- per month. In this regard, the observations made by the Hon'ble

Apex Court in case **Civil Appeal No. 5221 of 2025** titled as

“Parameswaran vs. Sunny George” to the effect that in such cases, notional income of a home maker is to be reasonably assessed for the purpose of calculating just compensation in a claim under section 166 of the Motor Vehicles Act needs to be taken into account.

9.1 Furthermore, in case of **“Laxmidhar Nayak v. Jugal Kishore Behera”** reported as **(2018) 1 SCC 746**, notional income of house wife-cum-agricultural labour, who died in the year 1991 was considered as Rs. 4,500/- per month. (Due to passage of so many years, there would be substantial hike in the minimum wages of ordinary labours).

9.2 Even in the case of **“National Insurance Co. Ltd. vs. Dhan Singh”** reported as **2019 (3) PLR 301**, notional income of housewife was assessed @ Rs. 11,000/- per month by this Court while awarding compensation in relation to an accident dated 20.09.2017.

9.3 Similarly, in the case of **“Mohni Devi Thakur vs. Manjit Singh”**, reported as **2021(1) RCR CIVIL 737**, this Court assessed the notional income of housewife @ Rs. 7,500/- per month while awarding compensation in relation to an accident dated 24.05.2013.

9.4 Therefore, the notional income of house wife needs to be considered keeping in mind multifarious services rendered by her for the family; the expenses for cook service, maid servant service, housekeeping expenses and keeping in mind the savings accrued due to all these services. Even the invaluable emotional support and the contribution of house wife to her husband, children and in-laws, cannot be assessed in terms of money. Thus, keeping in mind the above considerations, notional income of the

deceased as housewife could not be assessed less than Rs. 4,000/- per month against an accident which took place on 04.06.2008.

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

10. In the present case, the deceased- Ram Singh & Sarabjit Kaur were 40 & 34 years of age respectively at the time of their death, which stood duly proved from the statements of claimants/appellants and also been accepted by the learned Tribunal. However, learned Tribunal fell in error in not granting any addition future prospects. In view of the law laid down by the Hon'ble Supreme Court in **"National Insurance Company Co. Ltd. vs. Pranay Sethi & Ors. (2017) 16 SCC 680"**, an addition of 30% towards future prospects is to be made in the income of deceased Ram Singh, whereas in the case of deceased Sarabjit Kaur, who was aged 34 years, an addition of 40% is required to be granted. Reliance in this regard can be placed upon the decision rendered by the Hon'ble Supreme Court in case of **"Rajendra Singh and Ors. Vs. National Insurance Company Limited and Others"**, reported as **2020 (3) RCR CIVIL 26**, whereby it was held that in case of death of housewife claimants are liable to be granted benefit of future prospects. Relevant excerpt thereof is reproduced hereunder:-

*"11.If the deceased had survived, in view of observations in **Lata Wadhwa (supra)**, her skills as a matured and skilled housewife in contributing to the welfare and care of the family and in the upbringing of the children would have only been enhanced by time and for which reason we hold that the appellants shall be entitled to future prospects....."*

10.1 The deduction of 1/3rd towards personal and living expenses in the case of Ram Singh is rightly made; however, in the case of deceased

Sarabjit Kaur, who was a homemaker, no deduction on this count was permissible. In this regard, reliance can be placed upon the judgment of the Co-ordinate Bench of this Court in “Gurtej Singh Vs. Gurnaib Singh” bearing FAO No. 1093 of 2019, wherein it was held that no deduction towards personal and living expenses is to be made from the notional income of a housewife.

10.2 Furthermore, the multiplier applied by the learned Tribunal is also on the lower side and the same ought to have been 15 in the case of Ram Singh and 16 in the case of Sarabjit Kaur in consonance with the settled law in the case of “Smt. Sarla Verma &Ors. Vs. Delhi Transport Corporation & Anr.” (2009)6 SCC 121.

QUESTION OF COMPENSATION UNDER CONVENTIONAL HEADS

11. Furthermore, in view of the judgment of the Hon’ble Apex Court in Smt. 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 are 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. 1,44,000/- (Rs. 48,000 x 3) as the appellants being children and mother of deceased are also entitled for parental and filial consortium. This determination of compensation under the aforesaid conventional heads shall be applicable in the case of both the deceased, namely Ram Singh as well as Sarabjit Kaur.

CONCLUSION

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

(IN THE CASE OF RAM SINGH)

S.No.	Nature	Amount (in Rs.)
1.	Annual Income of Deceased	2,40,000/-
2.	Deduction (1/3 rd)	80,000/-
3.	Net Income (Rs. 2,40,000 – Rs. 80,000)	1,60,000/-
4.	Future Prospects (30%)	48,000/-
5.	Total Income (Rs. 1,60,000 + Rs. 48,000)	2,08,000/-
6.	Loss of Income after applying multiplier of 15 as per the age of 40 years (2,08,000 x 15)	31,20,000/-
7.	Loss of estate	18,000/-
8.	Funeral Expenses	18,000/-
9.	Loss of Consortium (48,000 x 3)	1,44,000/-
10.	Total compensation	33,00,000/-
11.	Amount Awarded by the Tribunal	3,41,000/-
12.	Enhanced Compensation	29,59,000/-

(IN CASE OF SARABJIT KAUR)

S.No.	Nature	Amount (in Rs.)
1.	Annual Income of Deceased	48,000/-
4.	Future Prospects (40%)	19,200/-
5.	Total Income (Rs. 48,000 + Rs. 19,200)	67,200/-
6.	Loss of Income after applying multiplier of 16 as per the age of 34 years (67,200 x 16)	10,75,200/-
7.	Loss of estate	18,000/-
8.	Funeral Expenses	18,000/-
9.	Loss of Consortium (48,000 x 3)	1,44,000/-
10.	Total compensation	12,55,200/-
11.	Amount Awarded by the Tribunal	3,41,000/-
12.	Enhanced Compensation	9,14,200/-

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

13. In the 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,** the grant of interest @ 9% per annum on the amount of compensation awarded to the claimants from the date of institution of claim petition till its realization is justified. 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.

14. In view of the aforesaid modification, the present appeal stands disposed of. Pending miscellaneous application(s), if any, shall also stand disposed of.

March 06, 2026

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**(HARKESH MANUJA)
JUDGE**

(i) Whether reasoned/speaking? Yes/No

(ii) Whether reportable? Yes/No