**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****220****FAO-2465-2018 (O&M)
Date of decision: 10.04.2026****Jasbir Kaur and others****...Appellant(s)****Vs.****Amjad and another****...Respondent(s)****CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

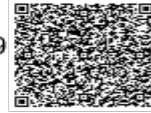
Present:- Mr. R.S.Mamli, Advocate for the appellants.

Mr. Punit Jain, Advocate for
respondent No.2-Insurance Co.

NIDHI GUPTA, J.

The present appeal has been filed by the claimants seeking enhancement of compensation of Rs.16,32,400/- awarded by the learned Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (hereinafter referred to as "the learned Tribunal") vide Award dated 02.01.2018 passed in MACT Case No. 292 dated 01.09.2015 filed under Section 166 of the Motor Vehicles Act, (hereinafter referred to as "the Act"). The 4 claimants are the 32-year-old widow, 2 minor children, and 65-year-old mother of the deceased Balkar Singh, who was 35 years old at the time of accident.

2. Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence adduced before it concluded that the deceased- Balkar Singh had died due to the injuries suffered by him in a motor vehicular accident that took place on 15.07.2015 at about 8/8:30 p.m. due to the rash and negligent driving of a Truck bearing registration No. UK-07CA-2826 (hereinafter "the offending vehicle") being driven and owned by respondent



No.1; and insured by respondent No.2. The above said compensation was awarded along with interest @ 9% per annum. Respondents No.1 and 2 were held jointly and severally liable to pay the amount of compensation.

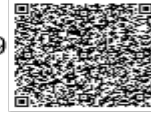
3. Learned counsel for the appellants seeks enhancement of compensation by submitting that income of the deceased has been taken on the lower side by the learned Tribunal as only Rs.7,750/- per month. It is submitted that appellants had duly proved on record that the deceased was owner of 10K 16M of land as evident from Jamabandi Ex.P2. Yet, learned Tribunal has taken income of the deceased as Rs.7,750/- p.m.

4. Learned counsel for the appellants relies upon recent judgment of Hon'ble Supreme Court passed in **Nirmala Bai v. Mansingh, (SC) : Law Finder Doc Id # 2843788** to submit that in the said case, the deceased therein was also an agriculturist and milk vendor et cetera, and the date of accident was 22.11.2014. The Hon'ble Supreme Court had enhanced income of the deceased therein as Rs.8,000/- p.m.

5. It is further submitted that even under the conventional heads, only an amount of Rs.70,000/- has been awarded, which is on the lower side. It is submitted that all the four claimants being legal representatives of the deceased, are entitled to Rs.40,000/- each.

6. It is accordingly prayed that the present Appeal be allowed; and the compensation be enhanced.

7. *Per contra*, learned counsel for respondent No.2-Insurance Company vehemently opposes submissions made on behalf of the appellants and submits that rather, income of the deceased has been assessed on the

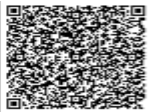


higher side as, as per the relevant Minimum Wage Notification dated 07.10.2015, even highly skilled worker is entitled to Rs.6,536.67 p.m. Hence, the present appeal deserves to be dismissed.

8. No other argument is raised on behalf of the parties. I have heard learned counsel and perused the case file in great detail. I find merit in the submissions advanced on behalf of learned counsel for the appellants.

9. Needless to say, this Court is bound by the law laid down by Hon'ble Supreme Court in case of **Nirmala Bai (supra)** wherein in respect of accident dated 22.11.2014; wherein also the deceased was an agriculturist; income of the deceased has been enhanced to Rs.8,000/- p.m. In the present case, claimants have duly proved that the deceased was an agriculturist and owner of 10K 16M of land by way of Jamabandi for the year 2014-2015 Ex.P2. Accordingly, income of the deceased is assessed as Rs.8,000/- p.m.

10. Perusal of the record of the case shows that age of the deceased was determined to be 35 years old on the basis of his Postmortem Report Ex.P5. Accordingly, learned Tribunal had correctly made addition of 40% towards future prospects; and correctly applied multiplier of 16. As there were 4 dependents, learned Tribunal had correctly made a deduction of 1/4th towards personal expenses. However, under the conventional heads, learned Tribunal had awarded only Rs.40,000/- as consortium to claimant No.1/widow; Rs.15,000/- towards funeral expenses; and Rs.15,000/- towards loss of estate. It is my view that each of the claimants being widow, 2 minor children and mother of the deceased are entitled to



Rs.40,000/- each by way of spousal, parental and filial consortium.

Accordingly, compensation payable to the claimants is reassessed in the following manner: -

Sr.No.	Details	Before the Tribunal	Revised compensation
1.	Income	Rs.7,750/-per month or Rs.93,000/- per year (Rs.7,750 x 12)	Rs.8,000/- per month or Rs.96,000/- per year (Rs.8,000 x 12)
2.	40% future prospects	Rs.1,30,200/- (Rs.93,000+ Rs.37,200)	Rs.1,34,400/- (Rs.96,000 + Rs.38,400)
3.	1/4th deduction	Rs.97,650/- (Rs.1,30,200-Rs.32,550)	Rs.1,00,800/- (Rs.1,00,800- Rs.33,600)
4.	Multiplier of 16	Rs.15,62,400/- (Rs.97,650 x 16)	Rs.16,12,800/- (Rs.1,00,800 X 16)
5.	Loss of spousal, parental and filial consortium	Rs.40,000/-	Rs. 1,60,000/- Rs.40,000/- each to claimants No. 1 to 4)
6.	Funeral expenses	Rs.15,000/-	Rs.15,000/-
7.	Loss of estate	Rs.15,000/-	Rs.15,000/-
9.	Total	Rs.16,32,400/-	Rs.18,02,800/-
10.	Enhanced compensation	Rs.18,02,800 - Rs.16,32,400/- = Rs.1,70,400/-	
11.	Interest	9% per annum	9% per annum

11. The present Appeal is **allowed** in the above terms.
12. Pending application(s) if any also stand(s) disposed of.

10.04.2026
Divyanshi

(NIDHI GUPTA)
JUDGE

Whether speaking/reasoned:Yes/No

Whether reportable:Yes/No