IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-5854-2017 (O&M)
Date of Decision: March 07, 2026

Smt.Hafeejan and others

...Appellants

VERSUS

Bhavay Tayal and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Ashish Gupta, Advocate
for the appellants.

Mr.Punit Jain, Advocate
for respondent No.3.

****

ARCHANA PURI, J.

The present appeal has been filed by the appellants-claimants, thereby, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, on account of death of Ikhlash, in a motor vehicular accident, which took place on 26.08.2016.

Learned counsel for the appellants submits that he confines his prayer for seeking enhancement, on the count of minimum wages as taken by learned Tribunal. It is submitted that even if, deceased is taken to be working as a labourer, then also, the earnings, as assessed by the Tribunal to be Rs.7600/- per month, is less than the prevalent minimum wages, as per the notification issued by Labour Department of Haryana Government, at the relevant time.

Counsel for the parties heard.

From the perusal of the impugned Award, it is evident that Ikhlash had died in a motor vehicular accident. Also, from the recitals of the birth certificate Ex.P19, it is evident that date of birth of Ikhlash was 24.03.1998. As such, he was 18 years old, at the relevant time, as held by learned Tribunal. Relating to the aforesaid facts, there is no dispute between the parties.

Considering there to be paucity of evidence, with regard to the vocation followed by the deceased, as a mechanic and earning Rs.40,000/- per month, learned Tribunal had appropriately considered the deceased to be a labourer and while taking the earnings of unskilled labourer, as per the minimum wages, his earnings were taken as Rs.7600/- per month. Assessing it to be so, the annual earnings were worked upon as Rs.91,200/-. Since, the deceased was bachelor, on account of 'personal and living expenses' deduction to the extent of 50% was made and residue income was worked upon as Rs.45,600/-. Multiplier of '18' was applied and the loss of dependency was worked upon as Rs.8,20,800/-.

Besides the same, an amount of Rs.25,000/- was awarded, on each count of 'loss of estate' and 'funeral expenses'. Another amount of Rs.1,00,000/- was awarded, towards 'love and affection' to the parents. Further, as per the bill of the medical expenditure Ex.PW3/D, incurred on the treatment of the deceased, an amount of Rs.25,000/- was awarded, towards 'medical expenses'. Thus, the compensation worked upon by learned Tribunal, in paragraph No.21 of the Award, in the tabular form, is reproduced, as herein given:-

a)	Loss of income to the family	Rs.8,20,800/-

b)	Funeral expenses	Rs.25,000/-
c)	Loss of estate	Rs.25,000/-
d)	Loss of love and affection to parents	Rs.1,00,000/-
e)	Medical expenses	Rs.25,000/-
	Total amount of compensation	**Rs,9,95,800/-**

The liability fastened upon respondents No.1 and 2 was joint and several and respondent No.3-insurance company was directed to indemnify the insured i.e. respondent No.1.

Be it noted that, only the appellants-claimants have filed the appeal for seeking enhancement of the compensation.

The 'work on' of the compensation aforesaid, do call for re-computation.

At the relevant time, the minimum wages as per the Haryana Government for an unskilled labourer was to the extent of Rs.8070/- per month. This fact, as such, is not disputed by counsel for the appellants as well as counsel for the insurance company and thus, the compensation has to be worked upon, while taking the earnings of the deceased to be Rs.8070/- per month.

Considering the age of the deceased, addition of 40% ought to be made, on the count of 'future prospects'. Since, the deceased was bachelor, deduction to the extent of 1/2 ought to be made, on the count of 'personal expenses'. The appropriate multiplier to be applied is '**18**', as applied by learned Tribunal.

Besides the aforesaid, an amount of **Rs.18,150/-**, is to be awarded, on each count of 'loss of estate' and 'funeral expenses'.

At this juncture, it is pertinent to mention that the compensation as worked upon by Tribunal, had only been awarded to appellants No.1 and

2 i.e. parents of deceased, whereas, the claim was denied to appellants-claimants No.3 to 9, who are siblings of the deceased.

Very true, considering the age of father of deceased Ikhlash, younger brothers and sisters of the deceased, ought to be dependent upon their father and this aspect has been considered by learned Tribunal, in the correct perspective. However, the younger brothers and sisters have also been deprived of the company, love and affection of their elder brother. On this account, on the count of loss of consortium, the younger brothers and sisters of the deceased, in the minimum, are entitled to compensation, as 'loss of consortium' also comprehends 'love and affection', as held in ***Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130***. Considering the same, as per ***National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009***, the amount payable, at present, on this count, is Rs.48,400/-. Taking it to be so, all nine appellants-claimants are entitled to this amount i.e. 48,400x9=**Rs.4,35,600/-**.

Besides the aforesaid, on the count of 'medical expenditure', as per the bill Ex.PW3/D, amount of Rs.25,000/-, ought to be awarded to the appellants-claimants.

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

Earnings	Rs.8070/- per month
Addition of 40%	Rs.8070+3228=Rs.11,298/-
Deduction of 1/2	Rs.11298-5649=Rs.5649/- annual whereof is Rs.67,788/-
Multiplier of '18'	Rs.67,788x18=**Rs.12,20,184/-**
Loss of estate	**Rs.18,150/-**
Funeral expenses	**Rs.18,150/-**
Loss of consortium	**Rs.4,35,600/-**

Medical expenses	**Rs.25,000/-**
Total	**Rs.17,17,084/-**

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.17,17,084-9,95,800=Rs.7,21,284/-**. On the enhanced amount of the compensation i.e. **Rs.7,21,284 /-**, 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 compensation, as now worked upon aforesaid, appellants-claimants No.3 to 9 are held entitled to **Rs.48,400/-** each, whereas, residue amount of **Rs.3,82,484/-** be disbursed to appellants-claimants No.1 and 2, in equal shares.

The impugned Award dated 01.05.2017 stands modified, to the extent, as indicated aforesaid.

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

March 07, 2026 **(ARCHANA PURI)**
Vgulati **JUDGE**

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