IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3456-2018 (O&M)
Date of Decision: February 12, 2026

Smt.Krishna Devi and others
...Appellants

VERSUS

Rinku and others
...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Naveen Jhanjolia, Advocates
for the appellants.

Mr.Nigam K. Bhardwaj, Advocate
for respondent No.3.

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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 Isham Singh, in a motor vehicular accident.

Perusal of the paperbook reveals that no formal notice was issued to the respondents, but however, for the purpose of amicable settlement between the parties, counsel for respondent No.3-insurance company has made appearance.

Perusal of the impugned Award reveals that the liability fastened upon the respondents was joint and several. In the given circumstances, for the time being, notice is required to be issued to the insurance company only. Since, counsel is already making appearance on behalf of the insurance company, the formal notice, as such, is hereby dispensed with.

Counsel for the parties heard.

Suffice to consider that the accident had taken place on 22.05.2014. On appraisal of the evidence, brought on record, learned Tribunal had concluded about the accident to have taken place, on account of rash and negligent driving of car bearing registration No.HR-11B-7763, driven by respondent No.1-Rinku and it resulted into injuries on the person of Isham Singh, which proved fatal.

On appraisal of the evidence, the age of the deceased was taken to be 60 years. Even though, it was asserted about the deceased to be indulging in agricultural work as well as dairy farming and his earnings to be Rs.25,000/-, but however, it has been fairly conceded by counsel for the appellant that no satisfactory evidence, relating to this vocation followed by the deceased and his earnings, as such, has come on record.

While considering the deceased to be an unskilled labourer, his earnings were taken as Rs.5400/- per month.

However, counsel for the appellant submits that the minimum wages, prevalent at the relevant time was Rs.5547/- per month, which fact has also been fairly conceded by counsel for the insurance company.

While taking the earnings of deceased to be Rs.5400/- per month, learned Tribunal deducted 1/3rd as personal expenses and considering the age of the deceased, had applied the multiplier of ‘9’. Besides the aforesaid, the appellants-claimants were also held entitled to Rs.10,000/- towards ‘loss of consortium’ as well as Rs.10,000/-, on the count of 'loss of estate' and Rs.25,000/- was awarded, towards 'funeral expenses'. Furthermore, on the basis of the bills Ex.P1 to P3, an amount of Rs.94,324/- was awarded, towards medical expenses. Thus, in total, the compensation so worked upon by learned Tribunal, is now reproduced in tabular form:-

Income	Rs.5400/-
Deduction of 1/3rd	Rs.5400-1800=Rs.3600/- annual whereof is Rs.43,200/-
Multiplier of 9	Rs.43,200x9=Rs.3,88,800/-
Loss of consortium	Rs.10,000/-
Loss of estate	Rs.10,000/-
Funeral expenses	Rs.25,000/-
Medical expenses	Rs.94,324/-
Total	**Rs.5,28,124/-**

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

Even though, the amount of earnings of the deceased is taken as Rs.5400/- per month, but however, as observed aforesaid, the prevalent minimum wages, for an unskilled worker, were to the extent Rs.5547/-, which is now rounded off as Rs.5550/-. Further, considering the age of deceased to be 60 years, as per ***National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009***, addition on the count of 'future prospects' ought to be made to the extent of 10%. Keeping in view the number of dependents, deduction of 1/3rd ought to be made and the appropriate multiplier to be applied is '**9**' as applied by learned Tribunal.

Besides the aforesaid, under the conventional heads also, more specifically, on the count of 'loss of consortium', the amount ought to be enhanced. An amount of Rs.10,000/- has been awarded. However, as per ***Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru***

Ram and others, 2018 (18) SCC 130, all the dependents are entitled to compensation, on the count of 'loss of consortium, be it 'filial', 'spousal' or 'parental', which also comprehends 'loss of love and affection'. As per ***National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009***, the minimum amount payable is Rs.40,000/-. While applying enhancement clause to the extent of 10%, after every three years of passing of the judgment, the compensation payable to each dependent is Rs.48,400/-. Thus, all the appellants-claimants are also entitled to compensation, on the count of 'loss of consortium' to the extent of Rs.48,400/- each i.e. Rs.48,400x3=**Rs.1,45,200/-**. Even, on same parameters, on the count of 'loss of estate' and 'funeral expenses', the amount now payable is **Rs.18,150/-** on each count.

Moreover, learned Tribunal has appropriately granted an amount of **Rs.94,324/-**, on the count of 'medical expenses', on the basis of the bills Ex.P1 to P3, with regard to the medical expenditure incurred on the treatment of deceased, soon after the accident.

Considering the same, the compensation payable to appellant-claimant, on account of death of Isham Singh is re-computed, as herein given:-

Income	Rs.5550/-
Addition of 10%	Rs.5550+555=Rs.6105/-
Deduction of 1/3rd	Rs.6105-2035=Rs.4070/- annual whereof is Rs.48,840/-
Multiplier of '9'	Rs.48,840x9=**Rs.4,39,560/-**
Loss of consortium	**Rs.1,45,200/-**
Loss of estate	**Rs.18,150/-**
Funeral expenses	**Rs.18,150/-**
Medical expenses	Rs.94,324/-
Total	**Rs.7,15,384/-**

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.7,15,384-5,28,124=Rs.1,87,260/-**. On the enhanced amount of the compensation i.e. **Rs.1,87,260/-**, the appellant-claimant, 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. The enhanced amount of compensation shall be disbursed to the appellants-claimants, in equal shares.

The impugned Award dated 23.08.2017 stands modified, to the extent, as indicated aforesaid.

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

February 12, 2026 **(ARCHANA PURI)**
Vgulati **JUDGE**

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