



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-6142-2024 (O&M)
Date of Decision: 15.01.2026

Deepak and others

....Appellants

V/s

Ashok and others

....Respondents

CORAM: HON'BLE MR. JUSTICE VIKRAM AGGARWAL

Present: Mr. Prashant Singh Chauhan, Advocate, for the appellants.
Mr. Vinod Gupta, Advocate, for respondent No.3-Insurance Co.

VIKRAM AGGARWAL, J. (ORAL)

Claimants have preferred the instant appeal seeking enhancement in compensation granted to them vide Award dated 18.09.2024 passed by the Motor Accident Claims Tribunal, Jhajjar (for short 'MACT').

2. The facts, as emanating from the paper-book, are that the appellants, who are the husband, two minor daughters and two minor sons of Smt. Poonam instituted a claim petition under Section 166 of the Motor Vehicles Act, 1988 (for short 'the MV Act') for the grant of compensation of Rs.50 lakhs on account of the death of Smt. Poonam in a motor vehicular accident which took place on 02.10.2021.

3. It was averred that on 02.10.2021, Deepak (appellant-claimant No.1) along with his wife Smt. Poonam and children were coming from Village Sohna to Village Silani on a motorcycle bearing Regn. No.RJ-02-SBO-1701 for working in a guava garden. When they reached at the turning point of Village Aurangapur, a truck make HAIWA bearing Regn. No.HR-32-GC-5373 (hereinafter referred to as "the offending vehicle") came from

the back side. It was being driven by its driver (respondent No.1) in a rash

and negligent manner and at a very high speed. It struck against the motorcycle on which the family was travelling. As a result of the impact, all occupants fell on the road and sustained multiple injuries. The offending vehicle stopped and upon asking, the driver disclosed his name as Ashok. However, subsequently he fled from the spot leaving the offending vehicle. Poonam was declared dead upon being shifted to Government Hospital, Jhajjar. Deepak and his children were shifted to PGIMS, Rohtak.

4. FIR No.397, dated 02.10.2021 under Sections 279, 337, 304A IPC was registered at Police Station Sadar Jhajjar against respondent No.1.

5. Poonam was stated to be 32 years old at the time of her death and was stated to be working with her husband in a guava garden and also used to attend to household affairs. It was claimed that she was earning Rs.20,000/- per month. Accordingly, Rs.50 lakhs was claimed as compensation.

6. The driver and owner of the offending vehicle filed their joint written statement and denied the factum of the accident.

7. The insurance company raised its usual defences in the written statement and denied the factum of the accident.

8. From the pleadings of the parties, following issues were framed:

“1. Whether the accident dated 02.10.2021, resulting into the death of Poonam wife of Deepak, had taken place due to the rash and negligent driving of vehicle i.e. Truck Haiwa bearing Regn. No.RJ-32-GC-5373 by respondent No.1, as alleged.

2. If issue No.1 is proved in favour of petitioners, whether petitioners are entitled for compensation, if so, to what extent?OPP

3. Whether at the time of accident, the offending vehicle was driven in violation of the terms and conditions of the insurance policy?OPR-3.

4. Relief.”

9. Parties led their respective evidence.

After considering the evidence led on the record of the case, a

finding was recorded by the MACT that the accident as a result of which Poonam had expired had taken place on account of rash and negligent driving of the driver of the offending vehicle. The age of Poonam was assessed as 32 years 9 months. Her income was assessed as Rs.9800/- per month and the following compensation was awarded:-

Sr. No.	Heads of Claim	
1.	Age of the deceased	32 years 9 months
2.	Income of the deceased	Rs.9800/- p.m.
3.	Future prospects @ 40%	Rs.3920/- p.m. (Income Rs.13,720/-)
4.	After deducting 1/4 th of the income as personal expenses of the deceased	Rs.3430/- (Rs.10,290/- x 12 =Rs.1,23,480/- annual income
5.	After applying Multiplier of '16'	Rs.1,23,480/- x 16 =Rs.19,75,680/-
5.	Funeral expenses	Rs.15000/-
6.	Loss of Estate	Rs.15000/-
7.	Filial Consortium	Rs.40,000/-
	Total Compensation	Rs.20,45,680/-

11. I have heard learned counsel for the parties.
12. Learned counsel for the appellants has submitted that inadequate compensation has been awarded by the Tribunal. It has been submitted that the income of the deceased Poonam was erroneously assessed as Rs.9800/- per month by treating her to be an unskilled worker whereas, on account of she being a housewife, she should have been taken to be a skilled worker. Accordingly, her monthly income should have been assessed as Rs.11,900/- per month. It has been submitted that since notional income had been assessed by treating the deceased as a housewife, no deduction for personal expenses could have been made. Learned counsel has also submitted that the amount of compensation awarded towards consortium is inadequate since only Rs.40,000/- in total was awarded. It has been submitted that the same also deserves to be enhanced in terms of the

decision of the Hon'ble Apex Court in *National Insurance Company Limited vs. Pranay Sethi and others*, (2017)16 SCC 680. As regards the compensation on account of loss of estate and funeral expenses, it has been submitted that the same also deserves to be enhanced in terms of the decision of the Hon'ble Apex Court in *Pranay Sethi* case (supra) and *Smt. Sarla Verma and others vs. Delhi Transport Corporation and another*, (2009) 6 SCC 121. In support of his contentions, learned counsel places reliance upon judgments in *Mahesh Kumar and others vs. Satyaveer Singh and others*, (FAO-548-2019, decided on 21.12.2022), *Gurmej Singh and others vs. Gurnaib Singh and others* (FAO-1093-2019, decided on 21.12.2022), *Preetha Krishnan and others vs. The United India Insurance Co. Ltd. and others*, 2025 (4) PLJR 453 and *Naresh Kumar and others vs. The New India Assurance Co. Ltd. and another*, 2025 (3) Law Herald 2533.

13. *Per contra*, learned counsel for the respondent-insurance company has submitted that the compensation awarded by the MACT is adequate. It has been submitted that the notional income of the deceased was rightly assessed and deduction was also rightly made. However, as regards the consortium and the compensation awarded on account of loss of estate and for funeral expenses, learned counsel has not been able to deny that the same deserves to be enhanced.

14. I have considered the submissions made by learned counsel for the parties.

15. Unfortunately, the hands of destiny snuffed out the life of a young woman aged 32 years leaving behind her husband and four minor children to suffer for the rest of their lives. No amount of compensation

legislation, it is the duty of every Court to strike a balance so that adequate compensation is awarded to the claimants in such cases and at the same time, excessive compensation is not awarded so that it may not be a windfall for the claimants.

16. The deceased Poonam was held to be 32 years old. She was claimed to have been working in a guava garden but no evidence as regards the same could be produced. Under the circumstances, she was taken to be a housewife. It is now well settled that a housewife also renders services to the family and her notional income is to be assessed on the basis of minimum wages. In the considered opinion of this court, instead of assessing the income as an unskilled worker, the MACT should have assessed the same as a skilled worker. Needless to mention that the skill which a housewife possesses and displays, cannot be measured by certificates and degrees and only a wife, a mother, a daughter-in-law and a sister knows how a household is to be run.

17. That being so, this court is inclined to assess the income of the deceased Poonam as per the wages for a skilled worker which, at the relevant time, was Rs.11900/-. 40% future prospects have rightly been awarded by the MACT, in terms of the ratio laid down in the **Sarla Verma and Pranay Sethi** cases (supra). It was held in ***New India Assurance Company Ltd. v. Fateh Singh & others, 2022 (2) PLR 54*** that since notional income is being assessed in lieu of services rendered at home, no deduction on account of personal expenses can be made. This view was taken by this Court also in the case of ***Nasib Singh and another vs. Kamal Singh and others, (FAO-1309-2008, decided on 17.03.2025)***.

18. Having considered the submissions made by learned counsel for the parties, the compensation is assessed as under, keeping in mind the

principles enunciated by the Hon’ble Supreme Court of India:-

Sr. No.	Heads of Claim	Awarded by the MACT	Enhanced Compensation
1.	Age of the deceased	32 years 9 months	No change
2.	Income of the deceased	Rs.9800/- p.m. (as non-skilled worker)	Rs.11,900/- p.m. (as skilled worker)
3.	Future prospects @ 40%	Rs.3920/- per month (Income Rs.13,720/-)	Rs.4760/- p.m. (Income Rs.16,660/- p.m.)
4.	Annual income after deducting 1/4 th of the income as personal expenses of the deceased	Rs.3430/- (Rs.10,290/- x 12 =Rs.1,23,480/- annual income	Rs.16,660 x 12 =Rs.1,99,920/- annual income (no deductions)
5.	Compensation after applying Multiplier of ‘16’	Rs.1,23,480/- x 16 =Rs.19,75,680/-	Rs.1,99,920/- x 16 =Rs.31,98,720/-
6.	Funeral expenses	Rs.15000/-	Rs.18150/-
7.	Loss of Estate	Rs.15000/-	Rs.18,150/-
8.	Filial Consortium	Rs.40,000/-	Rs.2,42,000, /- (Rs.48,400/- x 5)
	Total Compensation	Rs.20,45,680/-	Rs.34,77,020/-

19. The total compensation, therefore, comes to Rs.34,77,020/-. After deducting a sum of Rs.20,45,680/- as assessed by the MACT, the balance compensation comes to Rs.14,31,340/-. This amount would be payable in addition to the amount assessed by the learned MACT along with interest @ 7.5% annually. The disbursal and liability to pay the same would be as per the award.

20. The present appeal is accordingly disposed of.

Pending application(s), if any, shall also stand disposed of.

(VIKRAM AGGARWAL)
JUDGE

January 15, 2026

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Whether speaking/reasoned:

Whether reportable:

Yes/No

Yes/No