



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

238

FAO-2568-2024 (O&M)

Date of Decision: 03.09.2025

NATIONAL INSURANCE COMPANY LTD.

....Appellants(s)

VERSUS

KRISHAN KUMAR AND OTHERS

....Respondent(s)

CORAM : HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Vinod Gupta, Advocate for the appellant.

None for respondents despite service.

PARMOD GOYAL, J. (Oral)

1. Appellant-Insurance Company is aggrieved by award dated 05.03.2024 passed by learned Motor Accident Claims Tribunal, Jhajjar hereinafter referred to as 'Tribunal' vide which claimants were held entitled to the following compensation:-

Sr. No.	Head of claim amount	Amounts
1.	Income of deceased Anita (as per minimum wages of skilled labourer)	Rs.11,240/- per month
2.	Annual dependency	Rs.1,34,880/- (Rs.11,240/-x12)
3.	Add 25 % of future prospectus	Rs.1,68,600/- (Rs.1,34,880/- + Rs.33,720/-)
4.	Multiplier	15
5.	Loss of dependency	Rs.25,29,000/-
6.	Loss of estate	Rs.16,500/-
7.	Funeral Expenses	Rs.16,500/-
8.	Loss of spousal consortium	Rs.44000/-
9.	Loss of parental consortium	Rs.88,000/-
	Total	Rs.26,94,000/

2. Learned counsel for the appellant-Insurance Company has challenged award on the ground that learned Tribunal has erred in taking minimum wages payable to skilled labourer as monthly income of deceased whereas deceased was a housewife and was liable to be considered unskilled



worker. However, I do not find any merit in the contention on behalf of insurance company. Deceased was aged about 40 years' and had two minor children aged 16 & 19 years which goes to show that she had acquired good skills of housekeeping out of experience. Therefore, in the facts and circumstance of the present case, no exception with the conclusion of the Tribunal can be made.

3. Faced with this, learned counsel for insurance company argued that deceased had only three dependants and therefore personal expenses were required to be deducted to the extent of 1/3rd.

4. I find merit in the contention raised on behalf of insurance company. Admittedly deceased was succeeded by her husband and two sons. Therefore, personal expenses to the extent 1/3rd were liable to be deducted. I also find that learned Tribunal has granted consortium to husband as well as two sons of deceased. Therefore the only error in computation of dependency is as regards to non-deduction of 1/3rd expenses towards personal expenses. After applying 1/3rd deduction on account of personal expenses, following compensation is payable to the claimants. Accordingly, respondents-claimants are entitled to compensation of Rs.18,49,980/- determined as under:-

Income of deceased	Rs. 11,233/- per month as (per minimum wages to unskilled worker)	Rs.11,233/-
Addition towards future prospects	25% (Rs.11,233 + 2808)	Rs. 14,041/-
Deduction on account of personal expenses of deceased	1/3 rd	Rs. 9,361/- (14,041/- - 4,680/-)
Selection of multiplier	15	15



Loss of dependency	Rs.9,361 x 12 x 15	Rs.16,84,980/-
Loss of Estate	Rs. 16,500/-	Rs.16,500/-
Funeral expenses	Rs. 16,500/-	Rs.16,500/-
Parental consortium	Rs.88,000/- (Rs.44,000*2)	Rs.88,000/-
Spousal consortium	Rs.44,000/-	Rs.44,000/-
Total compensation awarded to the claimants in appeal		Rs.18,49,980/-
Total compensation awarded by the Tribunal	Rs.26,94,000/-	Rs.26,94,000/-
Difference in amount of compensation awarded by Tribunal in appeal	Rs.8,44,020/-	Rs.8,44,020/-

5. However, it is made clear that amount already paid to the claimants shall not be recovered from them. The amount, if any due would be paid to the claimants-respondents along with interest @ 7.5% p.a. from the date of filing of the claim petition till its realization from amount lying deposited with executing Court. Excess amount paid by insurance company be returned back after payment of awarded amount (in appeal) with interest.

7. Appeal is accordingly allowed to above terms.

(PARMOD GOYAL)
JUDGE

03.09.2025

Deepak Patwal

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| 1. <i>Whether speaking/reasoned</i> | <i>Yes/No</i> |
| 2. <i>Whether reportable</i> | <i>Yes/No</i> |