

2025:PHHC:110543



**253-1**

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

**FAO-1435-2018 (O&M)  
Date of Decision: 21.08.2025**

JATINDER SINGH ... Appellant

VERSUS

SARABJIT SINGH AND OTHERS ... Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Sarvesh Kumar Gupta, Advocate for the appellant.

Mr. Ishan Thakur, Advocate for  
Mr. L.S. Sidhu, Advocate for respondent No.1.

Mr. Rajbir Singh, Advocate for respondent No.3.

Mr. Hardeep Singh, Advocate  
for respondents No.4, 5, 6, 8 and 10.

Mr. N.S. Swatch, Advocate for respondents No.7 and 9.

**ALKA SARIN, J. (ORAL)**

**CM-5557-CII-2018**

1. This is an application for condonation of delay of 78 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 78 days in filing the main appeal is condoned.

**FAO-1435-2018**

3. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as the 'Tribunal')

vide award dated 27.03.2017.

4. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal, are not being adverted to herein for the sake of brevity.

5. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹5,000
2.	Annual income	[₹5,000 x 12] = ₹60,000
3.	Multiplier of '5'	[₹60,000 x 5] = ₹3,00,000
4.	Funeral expenses	₹25,000
5.	<b>Total Compensation</b>	<b>₹3,25,000</b>
	<b>Interest</b>	<b>@ 7% per annum</b>

6. Learned counsel for the claimant-appellant would contend that the claimant-appellant does not challenge the multiplier of '5' as applied by the Tribunal. Learned counsel however, states that the income of the deceased, who was a homemaker, was assessed as ₹5,000 per month whereas the same ought to have been done on the basis of the minimum wages applicable to a skilled worker at the prevalent time i.e. ₹9,245 per month and has relied upon the judgment of the Hon'ble Supreme Court in the case of **Kirti & Anr. Vs. Oriental Insurance Company Ltd. [2021 (1) RCR (Civil) 478]**. It is further the contention of the learned counsel that there are 8 children of the deceased including the claimant-appellant herein and that no amount has been awarded under the head loss of consortium. Learned counsel would further contend that the amounts awarded under the conventional heads are not in consonance of the law laid down by the Hon'ble Supreme Court in the case of **National**

**Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680], Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130] and N. Jayasree & Ors. vs. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642].**

7. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that sufficient amount had already been awarded as compensation in the present case and that there is no scope of any enhancement.

8. Heard.

9. In the present case the argument of the learned counsel for the claimant-appellant that the income of the deceased should have been assessed as per the minimum wages of a skilled worker deserves to be accepted. The Hon'ble Supreme Court in the case of **Kirti** (supra) while assessing the notional income of a homemaker has held as under :

*“42. Therefore, on the basis of the above, certain general observations can be made regarding the issue of calculation of notional income for homemakers and the grant of future prospects with respect to them, for the purposes of grant of compensation which can be summarized as follows:*

*a. Grant of compensation, on a pecuniary basis, with respect to a homemaker, is a settled proposition of law.*

- b. *Taking into account the gendered nature of housework, with an overwhelming percentage of women being engaged in the same as compared to men, the fixing of notional income of a homemaker attains special significance. It becomes a recognition of the work, labour and sacrifices of homemakers and a reflection of changing attitudes. It is also in furtherance of our nation's international law obligations and our constitutional vision of social equality and ensuring dignity to all.*
- c. *Various methods can be employed by the Court to fix the notional income of a homemaker, depending on the facts and circumstances of the case.*
- d. *The Court should ensure while choosing the method, and fixing the notional income, that the same is just in the facts and circumstances of the particular case, neither assessing the compensation too conservatively, nor too liberally.*
- e. *The granting of future prospects, on the notional income calculated in such cases, is a component of just compensation.”*

The deceased was a homemaker in the present case. A housemaker does much more. Infact, she performs multiple functions in the

house i.e. cooking for the family, cleaning the house, washing clothes and utensils, the list is endless. A housemaker is also a caretaker of her children as well as all the members of the house. In view of the above and in view of the law laid down by the Hon'ble Supreme Court in **Kirti's** case (supra), the income of the deceased is assessed as that of a skilled worker which was ₹9,245 per month. Since there is no dispute to the multiplier of 5 as applied by the Tribunal, the same is maintained. The deceased in the present case was of 68 years hence no addition is made towards future prospects.

10. Further, the amounts awarded under the conventional heads are not in consonance with the law laid down by the Hon'ble Supreme Court in the cases of **Pranay Sethi** (supra), **Magma General Insurance Company Limited** (supra) and **N. Jayasree** (supra). Accordingly, the claimant-appellant would be entitled to ₹18,000 (₹15,000 + 20% increase) towards loss of estate and ₹18,000 (₹15,000 + 20% increase) towards funeral expenses. The Tribunal though awarded the compensation to the claimant-appellant, who is the son of the deceased, however, did not grant any amount towards loss of consortium to any of the other children. The loss of consortium is a loss of companionship, affection and other intangible benefits that a spouse/daughter/son derives from a relationship. Thus, the claimant-appellant along with other children, who are the son and daughters of the deceased, would be entitled to compensation under the head 'loss of consortium'. Accordingly, the claimant-appellant along with the 7 other children would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

11. Accordingly, the reworked compensation, to which the claimant-appellant is entitled to, is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,245
2.	Annual income	[₹9,245 x 12] = ₹1,10,940
3.	Multiplier of '5'	[₹1,10,940 x 5] = ₹5,54,700
4.	Funeral expenses	₹18,000
5.	Loss of estate	₹18,000
6.	Loss of consortium (i) Parental	₹3,84,000 [₹48000 x 8]
	<b>Total Compensation</b>	<b>₹9,74,700</b>

12. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount

13. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 AIR (SC) 1713]**, after calculation of the enhanced amount, the same be transferred by respondent No.3-Insurance Company in the bank account(s) of the claimant-appellant and proforma respondents No.4 to 10 within a period of six weeks from today. The particulars of the bank account(s) along with the requisite documents in support thereof shall be furnished by the claimant-appellant to respondent No.3-Insurance Company within a period of two weeks from today and needful shall be done by respondent No.3-Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

14. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

**21.08.2025**

*Aman Jain*

**(ALKA SARIN)**

**JUDGE**

*NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: Yes/No*