



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

FAO-2798-2025(O&M)

Date of decision:04.07.2025

The New India Assurance Company Ltd.

..Appellant

Versus

[Fakruddin and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Lalit Garg, Advocate for the appellant

Mr. Ashish Gupta, Advocate for respondent no.1 to 6

ANIL KSHETARPAL, J. (Oral)

CM-8944-CII-2025

1. For the reasons stated in the application, delay of 59 days in filing the appeal is hereby condoned.

2. CM stands allowed.

Main case

3. Learned counsel representing the appellant inter alia contends that the Tribunal has not deducted the amount on account of personal expenses of the deceased while calculating the dependency.

4. Notice of motion.

5. Sh.Ashish Gupta, Advocate, enters appearance on behalf of the claimants/respondents.

6. With the consent of the learned counsel representing the parties, the main appeal is taken on Board for final disposal.



7. Learned counsel representing the Insurance Company submits that apart from failing to deduct 1/4th of the income towards the personal expenses, the Tribunal has also erred in assessing the income of the deceased at the rate of Rs.12,200/- at the time of accident, on the basis of notification issued by the Haryana Govt on 24.04.2023. He submits that this income is with respect to a skilled labourer and not an unskilled worker.

8. Per contra, the learned counsel representing the respondents submits that each of the dependents i.e husband and five children of the deceased have not been granted individual amount towards loss of consortium i.e parental and spousal consortium.

9. This Court has considered the submissions made by the learned counsel representing the parties.

10. The deceased Hansira was a home-maker, who was taking care of as many as five children, apart from her husband. Hence, the income assessed on the basis of the notification issued by the State of Haryana with respect to a skilled worker is not incorrect. Reliance in this regard can be placed upon the judgment passed in FAO-23-2014 titled as '**Krishna & others vs Rupesh Kumar & ors**' decided on 20.03.2024, a home-maker makes significant contribution in preparing the next generation. Hence, her contribution cannot be equated with that of an unskilled worker.

11. Undisputedly, the Tribunal has erred in failing to make deduction towards personal expenses. However, it cannot be 1/4th. The deceased left behind as many as six family members including



five children. She is not expected to spend much amount on herself. Hence, deduction from her income on account of personal expenses shall be 1/5th.

12. Each of the children apart from husband is also held entitled to loss of consortium at the rate of Rs.48,400/- each, as the accident took place on 12.06.2023. Consequently, the total compensation payable to the claimants is re-calculated as under:-

Head	Amount awarded by Tribunal	Amount awarded by this Court
Income	12,200/-	12,200/-
Future prospects	40% i.e Rs.17080	40% i.e Rs.17080
Dependency	Nil	1/5th 17080/5 = 3416 17080-3416 = 13664/-
Annual income	17080x 12 = 204960	13664x12= 163968
Multiplier	16 204960x 16 =32,79,360/-	16 163968x16= 26,23,488/-
Funeral expenses	18,150/-	18150/-
Loss of estate	18,150/-	18,150/-
Loss of consortium	48,400/-	48,400/- for each claimant 48400x6 = 2,88,000/-
Total amount	33,64,060/-	29,47,788/-
Excess amount	3364060-2947788 = 4,16,572/-	

13. Disposed of accordingly.

14. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

04.07.2025

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Whether speaking/reasoned

Yes/No

Whether reportable

Yes/No