



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

261

**FAO-1701-2019 (O&M)
Date of decision : 28.08.2025**

Iffco Tokio General Insurance Company Limited Appellant

versus

Kamla Devi and others Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: Mr. Ankur Gupta, Advocate
for the appellant (through V.C.).

Mr. Manoj Kumar, Advocate
for the respondents.

PANKAJ JAIN, J. (Oral)

1. Challenge is to the award dated 02.11.2018 passed by the MACT, Kapurthala whereby respondents-claimants have been awarded compensation of Rs.10,44,912/- on account of death of Raghvbir Singh in a motor vehicular accident dated 24.12.2014.

2. The Insurance Company is aggrieved of the quantum of compensation. The main challenge is to the income of the deceased. Counsel for the appellant submits that even though Raghvbir Singh was assessed to be a daily wager, yet his income has been taken by the Tribunal as Rs.10,000/- per month, whereas minimum wages notified by the State for the relevant period for an unskilled worker were Rs.666.10 and for highly skilled worker were Rs.9369.10.

3. *Per contra*, counsel for the respondent-claimants submits that there is ample evidence on record to prove that the deceased was a professional agriculturist and a man of sufficient means. J forms exhibiting sale of crop have been brought on record as Ex.P-22 to P-48. Thus, no fault can be found with the assessment of the income of the



deceased. He submits that rather the claimants have been met with injustice, as future prospects have not been awarded while computing income of the deceased. Even the loss of consortium has not been awarded.

4. Having heard counsel for the parties and after carefully perusing the records of the case, this Court finds that the deceased having been proved to be an agriculturist and the documents J forms Ex. P-22 to P-48 having been rendered in evidence, Tribunal rightly assessed the income of the deceased as Rs.10,000/- as an agriculturist and not as a skilled or unskilled labourer.

5. Mr. Gupta does not dispute that nothing has been awarded for future prospects. Keeping in view the ratio of law laid down by the Supreme Court in the case of '*National Insurance Company Limited vs. Pranay Sethi and others*', (2017) 16 SCC 680 and *Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., Civil Appeal No.9581 of 2018 arising out of SLP (Civil) No.3192 of 2018 decided on 18.09.2018*, the income of deceased needs to be re-assessed by adding 10% on account of future prospects. Keeping in view the age of the deceased, i.e. 53 years, multiplier of 11 has been rightly applied. Deduction of 1/3rd has been rightly applied by the Tribunal. Rs. 18,000/- for loss of estate. No further addition is required as amount payable for loss of consortium has been awarded under the head of loss of love and affection.

6. Disposed off, accordingly.

(PANKAJ JAIN)
JUDGE

28.08.2025

Dinesh

Whether speaking/reasoned :

Yes

Whether Reportable :

No