



2. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

3. In the present case, the accident took place on 20.09.2018 and the deceased at the time of his death was 32 years of age. The Tribunal while assessing the income of the deceased as per the Deputy Commissioner's rates has awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹12,700/-
2	Deduction - 1/4 <sup>th</sup>	₹9,525/- [₹12,700 - ₹3,175]
3	Future Prospects - 40%	₹13,335/- [₹9,525 + ₹3,810]
4	Annual Income	₹1,60,020/- [₹13,335 x 12]
5	Multiplier - 16	₹25,60,320/- [₹1,60,020 x 16]
6	Loss of estate	₹15,000/-
7	Funeral expenses	₹15,000/-
8	Loss of consortium	₹40,000/-
	<b>Total Compensation</b>	<b>₹26,30,320/-</b>
	<b>Interest</b>	<b>7.5%</b>

4. Learned counsel for the Insurance Company would contend that the Tribunal has wrongly assessed the income of the deceased as per the DC rates which ought to have been assessed as per the minimum wage prescribed under the Minimum Wages Act, 1948. It is further the contention of the learned counsel that sufficient amount has already been awarded as compensation under all other heads and that there is no scope of any enhancement.

5. *Per contra*, learned counsel for the claimants' states that the Tribunal has rightly assessed the income of the deceased as per the DC rates and in support of his contentions he has relied upon the judgment of the Hon'ble Supreme Court in the case of **Saroj & Ors. Vs. IFFCO TOKIO General Insurance Company & Ors.** [2024 (4) RCR (Civil) 881]. Learned

counsel for the claimants' further states that he does not challenge deduction, future prospects and multiplier as applied by the Tribunal. He, however, states that the compensation awarded under the conventional heads as well as under the head 'loss of consortium' is not in accordance with the law laid down by the Hon'ble Supreme Court in the cases 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].

6. I have heard the learned counsel for the parties.

7. The argument of the learned counsel for the Insurance Company that the income ought to have been assessed as per the minimum wage prescribed under the Minimum Wages Act, 1948 and not as per the Deputy Commissioner's rates deserves to be rejected inasmuch as income assessed on the basis of DC rates have been upheld by the Hon'ble Supreme Court in the case of **Saroj** (supra) wherein it was held as under :

*“9.3 The question before the High Court was not as to which yardstick to use to determine the notional income of the deceased was 'better'. Since there is nothing on record to establish that the rates notified by the District Commissioner, Rohtak, would not apply to the deceased, we find no reason to interfere with the finding of the Tribunal. Further, the testimonies of PWs 2, 5 and 6 show that he is an agriculturist who owned his own tractor and a JCB machine.”*

8. Further, the minimum wage notification is merely a yardstick and not an absolute factor to be taken to determine the compensation payable to the claimants. It has been laid down in a plethora of judgments by Hon'ble the

Supreme Court that the Courts must strike a balance between inflated and unreasonable demands of the victim and the equally untenable claim of the opposite party saying that nothing is payable. The compensation should be just in order to adequately restore the claimants to the position prior to the accident. In the present case the deceased was 32 years of age at the time of the accident i.e. 20.09.2018 and left behind a widow aged 29 years and three minor children aged 6 years, 4 years and 3 months. The minor children have their whole life ahead of them. Their education has to be taken care of as well as living expenses of all the claimants. The compensation cannot in any manner compensate for the loss suffered by the family of the deceased, but it should at least be sufficient to mitigate the financial difficulties the family is likely to face. Accordingly, the argument of the learned counsel for the Insurance Company that the income of the deceased ought to have been assessed as per the Minimum Wages Act, 1948 stands rejected. Hence, the income of the deceased as ₹12,700/- per month as assessed by the Tribunal is maintained.

9. In the present case, since there is no dispute qua deduction, future prospects and multiplier as applied by the Tribunal, the same are accordingly maintained.

10. The argument of the learned counsel for the claimants that the compensation awarded under the conventional heads and under the head 'loss of consortium' is not in accordance with law, deserves to be accepted keeping in view the judgments of the Hon'ble Supreme Court in the cases of **Pranay Sethi** (supra), **Magma General Insurance Company Limited** (supra) and **N. Jayasree** (supra). Hence, the claimants would be entitled to ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20%

increase) towards funeral expenses and the claimants (widow and three minor children of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹12,700/-
2	Annual Income	₹1,52,400/- [₹12,700 x 12]
3	Deduction - 1/4 <sup>th</sup>	₹1,14,300/- [₹1,52,400 - ₹38,100]
4	Future Prospects - 40%	₹1,60,020/- [₹1,14,300 + ₹45,720]
5	Multiplier - 16	₹25,60,320/- [₹1,60,020 x 16]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 3] (ii) Spousal	₹1,44,000/- ₹48,000/- (Total ₹1,92,000/-)
	<b>Total Compensation</b>	<b>₹27,88,320/-</b>

11. 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.

12. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimants within six weeks from today and the apportionment thereof shall be as per the direction of the Tribunal and the share of the minor claimants shall be kept in fixed deposits by the Bank concerned. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimants to the Insurance company within a period of two weeks from

the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

13. In view of the above discussion, the impugned award passed by the Tribunal is modified to the above extent. Accordingly, the appeal filed by the Insurance Company is dismissed and the appeal filed by the claimants stands disposed off. Pending applications, if any, also stand disposed off.

13.10.2025  
Yogesh Sharma

( **ALKA SARIN** )  
**JUDGE**

NOTE: Whether speaking/non-speaking: Speaking  
Whether reportable: YES/NO