



IN THE HIGH COURT OF MADHYA PRADESH
AT GWALIOR

BEFORE

HON'BLE SHRI JUSTICE HIRDESH

ON THE 26th OF MARCH, 2026

MISC. APPEAL No. 2978 of 2019

MANOJ AND OTHERS

Versus

ARVIND KUMAR JHA AND OTHERS

Appearance:

Shri Ashok Kumar Yadav - Advocate for the appellants.

Shri Praveen Kumar Newaskar - Deputy Solicitor General for respondent

Nos.2 and 3.

ORDER

1. This appeal under Section 173(1) of the Motor Vehicles Act, 1988 has been filed by the appellant–claimant challenging the award dated 28.02.2019 passed by the 13th Member, Motor Accident Claims Tribunal, Gwalior (M.P.), in Claim Case No.147/2015, seeking enhancement of compensation amount.

2. The date of the accident, the finding of negligence, and the liability are not in dispute. The findings recorded by the Claims Tribunal on these aspects have attained finality, as the same have not been challenged in the present appeal.

3. As per the impugned award, the Claims Tribunal has awarded a total compensation of Rs. 6,97,200/- along with interest from the date of filing of the claim petition till its realization on account of the death of Mamta in the motor accident.

4. Learned counsel for the appellants/claimants, while assailing the impugned award, submits that the learned Claims Tribunal has committed an error in



assessing the income of the deceased on the lower side. It is contended that the deceased was engaged in work of beautician, however, the said aspect has not been properly appreciated by the learned Claims Tribunal. However, the learned Tribunal failed to properly consider this aspect. It is further submitted that the assessment of income by treating the deceased on lower side is erroneous and, on this ground, enhancement of compensation has been sought. It is contended on behalf of appellants that Claims Tribunal has also committed error in not awarding reasonable amount in other heads i.e. loss of estate and funeral expenses. Hence, it is prayed that reasonable amount of compensation may be awarded to the claimant.

5. On the other hand, learned counsel for Insurance Company supported the impugned award and prayed for dismissal of appeal.

6. Heard learned counsel for the parties and perused the entire record of the Claims Tribunal.

7. With regard to the assessment of income, the learned Claims Tribunal assessed the income of the deceased at Rs.3,500/- per month on the ground that no documentary evidence regarding her income was produced. However, the record reflects that the deceased, being a lady, was also a homemaker. The contribution made by a homemaker cannot be equated with that of an unskilled labourer. A homemaker renders multifarious services to the family, manages the entire household without fixed working hours and without any leave. The economic value of such services has been consistently recognized by the Courts and cannot be ignored while determining just compensation.

8. In the considered opinion of this Court, the learned Claims Tribunal committed an error in assessing the income of the deceased at Rs.3,500/- per



month. Even in the absence of strict documentary proof of income from work of beautician, her income ought to have been assessed at least at the level of a semi-skilled lady under the Minimum Wages Act, which, at the relevant time, was Rs.5,975/- per month.

9. As regards future prospects, in light of the judgment of the Hon'ble Supreme Court in **National Insurance Company Ltd. vs. Pranay Sethi, 2017 ACJ 2700**, the claimants are entitled to addition of future prospects of 40 per cent which is rightly been assessed by Claims Tribunal. Further, as per **Sarla Verma & Ors. v. Delhi Transport Corporation & Anr., (2009) 6 SCC 121**, considering the age of the deceased, the appropriate multiplier of 16 has rightly been applied by Claims Tribunal. Also, in view of the judgment passed by Hon'ble Apex Court in the case of **United India Insurance Company Ltd. vs. Satinder Kaur and Others reported in 2020 ACJ 2131**, the claimants are entitled to get compensation towards loss of consortium and loss of estate.

10. Accordingly, the claimants are entitled to receive compensation under the following heads:-

HEAD	AMOUNT
Income	Rs. 5975 X12= Rs.71700/- P.A.
Future Prospects@40%	Rs.100380/-
After deducting Dependency 1/3	Rs.66920/-
Multiplier 16	Rs.1070720/-
Other Heads:-	
Loss of Consortium	Rs.40,000 X 3= Rs.1,20,000/-
Loss of Estate and funeral expenses	Rs.30,000/-
	Total = Rs.12,20,720/-

11. Thus, the just and proper amount of compensation payable in the present case comes to **Rs.12,20,720/-** as against the sum of **Rs.6,97,200/-** awarded by the



learned Claims Tribunal. Accordingly, the appellants/claimants are held entitled to an additional compensation of **Rs.5,23,520/-** over and above the amount already awarded by the Tribunal.

12. Consequently, this miscellaneous appeal is partly **allowed**. The impugned award is **modified**, and the compensation is enhanced by **Rs.5,23,520/-**. The enhanced amount shall carry interest at the same rate as awarded by the Claims Tribunal from the date of deposit of court fee and shall be paid within three months from the date of receipt of a certified copy of this order. All other conditions imposed by the Claims Tribunal shall remain intact.

13. In case the enhanced compensation exceeds the valuation of the appeal, the appellants shall deposit the differential Court fee (if not already paid) within a period of one month from today and furnish proof of such payment before the Registry. Upon compliance, the Registry shall issue the certified copy of this order.

14. In view of the foregoing, the miscellaneous appeal stands **modified** and is **partly allowed** .

(HIRDESH)
JUDGE

AVI