2024:PHHC:119351

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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203 FAO-3551-2006 (O&M)
Date of decision: 30.01.2026

Naresh Kumari Gupta and another

...Appellants

Versus

Hem Raj and others

...Respondents

CORAM: HON'BLE MR.JUSTICE VIKAS SURI

Present: Mr. Dhruv Singh, Advocate
for the appellants

Mr. Suvir Dewan, Advocate and
Mr.Amit Kumar Goyal, Advocate
for respondents No. 3 and 4 - insurance company

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VIKAS SURI, J. (Oral)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accidents Claims Tribunal, Ambala (hereinafter referred to as 'the Tribunal') vide the impugned award dated 23.12.2005, arising out of a motor vehicle accident which occurred on 01.08.2002.

2. The claimant-appellants are stated to be the widow and son of the deceased.

3. The Tribunal, in the present case, had awarded the following compensation:-

Heads	**Compensation Awarded**
Monthly income of the	₹13,032/-

deceased	
Deduction for personal expenses	1/3rd (₹4,344/-)
Multiplier	13
Loss of dependency	₹13,55,000/-
Funeral expenses, transportation and consortium	₹7,000/-
Loss of property/Car	₹50,000/-
Total	**₹14,12,000/-**

4. Since there is no dispute with regard to occurrence of the accident, involvement of vehicle and the correctness of the finding with regard to rash and negligent driving, the facts are not being adverted to for the sake of brevity.

5. At the very outset, learned counsel for the appellants-claimants would contend that he does not challenge the income of the deceased and the deduction assessed by the Tribunal. Counsel for the appellants further contends that the Tribunal has not allowed benefit of increase in income for the future prospects. It has further been contended that the amounts awarded under the conventional heads as well as under the head of 'loss of consortium' are also not in consonance with the settled law. In support of his contentions, he has relied upon the judgements of Hon'ble Supreme Court in the cases of ***Sarla Verma and others v. Delhi Transport Corporation & another, (2009)6 SCC 121; National Insurance Company Ltd. v. Pranay Sethi and others, (2017) 16 SCC 680; Magma General Insurance Company Limited v. Nanu Ram alias Chuhru Ram and other, (2018) 18 SCC 130, United India Insurance Company Ltd. v. Satinder Kaur @ Satwinder Kaur and other, (2021) 11 SCC 780*** and ***N. Jayasree & others v. Cholamandalam M.S. General Insurance Company Limited, (2022) 14 SCC 712.***

6. On the other hand, learned counsel for the Insurance Company would contend that sufficient amount has already been awarded, however, he is not in a position to controvert the legal principles laid down by the Apex Court in the aforementioned judicial precedents, or to dispute the fact that the same continue to hold the field.

7. I have heard learned counsel for the parties.

8. In the case in hand, no appeal has been filed by the respondent-insurance company. Since there is no challenge to the age, income of the deceased and the deduction, as assessed by the Tribunal, the same are accordingly affirmed. Further, the Tribunal has not made any additions towards loss of future prospects. Keeping in view of the age of deceased, an addition @ 30% would have to be made towards loss of future prospects, as per the law laid down by Hon’ble Supreme Court in the case of ***Pranay Sethi*** (supra). Further the amounts awarded under the conventional heads as well as under the head ‘loss of consortium’ are also not in consonance with the law laid by Hon’ble Supreme Court in ***Pranay Sethi*** (supra), ***Magma General Insurance Company Limited*** (supra) ***Satinder Kaur*** (supra) and ***N.Jayasree*** (supra). In ***Pranay Sethi*** (supra), the amounts under the conventional heads were fixed, and it was held that the said sum should be enhanced at the rate of 10% every three years, i.e. with effect from 31.10.2017. Thus, the appellants-claimants are also entitled to ₹18,150/- (₹15,000+10%+10%) towards loss of estate and ₹18,150/-(₹15,000+10%+10%) towards funeral expenses. The appellants-claimants (widow and son of the deceased) would also be entitled to ₹48,400/- each (₹40,000+10%+10%) towards loss of consortium.

9. In view of the above, the total amount of compensation is recalculated as under:-

Sr. No.	Heads	Compensation awarded
1.	Monthly income	₹13,032/-
2.	Future prospects - 30%	₹3,909/-
3.	Total salary	[₹13,032+3,909]= ₹16,941/-
4.	After deducting 1/3rd for personal expenses, dependency comes to	[₹16,941-5,647]= ₹11,294/-
5.	After applying multiplier of 13, compensation would come to	[₹11,294x12x13]= ₹17,61,864/-
6.	Loss of estate	₹18,150/-
7.	Funeral expenses	₹18,150/-
8.	Loss of consortium i) Spousal - ₹48,400/- ii) Parental - ₹48,400/-	[₹48,400x2]= ₹96,800/-
9.	**Total compensation**	**₹18,94,964/-**

10. 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.

11. In view of the decision by the Hon'ble Supreme Court in ***Parminder Singh v. Honey Goyal and others (2025) 9 SCC 539***, 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. The particulars of the bank account(s) alongwith the requisite documents 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.

12. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal stands modified accordingly.

13. Pending applications, if any, also stand closed.

(VIKAS SURI)
JUDGE

January 30, 2026
Mohan bimbra

Whether speaking/reasoned : Yes / No
Whether reportable : Yes / No