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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1798-2019 (O&M)
Date of Decision : 01.09.2025

Santosh and Another ... Appellants

Versus

Balwinder Singh and Others ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Shubhashish Kukreti, Advocate for the appellants.

Mr. Vinod Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

CM-5358-CII-2019 & CM-5359-CII-2019

1. For the reasons stated in the applications, the same are allowed. The delay of 46 days in re-filing and 89 days in filing the present appeal is condoned.

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2. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as the ‘Tribunal’) vide award dated 22.05.2018 on account of death of Pawan Kumar (hereinafter referred to as the ‘deceased’).

3. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.

4. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹6,500/-
2	Future prospects – 40%	[₹6,500 + 2,600] = ₹9,100/-
3	Annual income	[₹9,100 x 12] = ₹1,09,200/-
4	Deduction – 50%	[₹1,09,200 – 54,600] = ₹54,600/-
5	Multiplier – 17	[₹54,600 x 17] = ₹9,28,200/-
6	Loss of estate	₹15,000/-
7	Funeral expenses	₹15,000/-
8	Loss of love and affection	₹40,000/-
9	Medical expenses	₹5,000/-
10	Receipt	₹1,000/-
	Total compensation	**₹10,04,000/-**
	Interest	**7.5% per annum**

5. Learned counsel for the claimant-appellants would contend that though he does not challenge the deduction, multiplier and the addition towards loss of future prospects as assessed by the Tribunal, however, the income of the deceased has wrongly been assessed as ₹6,500/- per month as the minimum wage of an unskilled worker prevailing at the time of the accident was ₹7,458/- per month. It is further the contention that the compensation awarded under the conventional heads as well as under the head 'loss of consortium' is also not in accordance with the law laid down by the Hon'ble Supreme Court. In support of his contention, he has relied upon the judgments of 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. *Per contra*, the learned counsel for respondent No.3-Insurance Company has contended that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

7. Heard.

8. Admittedly, no appeal has been preferred by the Insurance Company. Since there is no challenge to the deduction, multiplier and the addition towards loss of future prospects as assessed by the Tribunal, the same are maintained. In the present case, the Tribunal has assessed the income of the deceased as ₹6,500/- per month, however, the minimum wage of an unskilled worker prevailing at the time of the accident was ₹7,458/- per month. Accordingly, the income of the deceased is assessed as ₹7,458/- per month.

9. The compensation awarded by the Tribunal 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 **Pranay Sethi** (supra), **Magma General Insurance Company Limited** (supra) and **N. Jayasree** (supra) hence, the claimant-appellants 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 further to an amount of ₹48,000/- each under the head 'loss of consortium'. The amount of ₹5,000/- awarded by the Tribunal towards medical expenses and ₹1,000/- on account of receipt issued by Dabwali Jan Sahara are maintained. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded	
1	Monthly Income	₹7,458/-	
2	Annual Income	₹89,496/-	[₹7,458 x 12]
3	Deduction - 50%	₹44,748/-	[₹89,496 - ₹44,748]
4	Future Prospects - 40%	₹62,648/-	[₹44,748 + ₹17,900]
5	Multiplier - 17	₹10,65,016/-	[₹62,648 x 17]
6	Loss of estate	₹18,000/-	
7	Funeral expenses	₹18,000/-	
8	Loss of consortium (i) Filial [₹48,000/- x 2]	₹96,000/-	
9	Medical expenses	₹5,000/-	
10	Receipt issued by Dabwali Jan Sahara as awarded by the Tribunal	₹1,000/-	
	Total Compensation	**₹12,03,016/-**	

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 vs. Honey Goyal & Ors. [AIR 2025 SC 1713]**, 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 percentage directed by the Tribunal. 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.

12. In view of the above discussion, the award passed by the Tribunal is modified and the present appeal stands allowed accordingly. Pending applications, if any, also stand disposed off.

01.09.2025 **(ALKA SARIN)**
jk **JUDGE**

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