



132

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

FAO-216-2025(O&M)

Date of Decision : 01.09.2025

RADHA KANWAR AND ORS

.... Appellants

VERSUS

TEJ SINGH AND ANR

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Deepsikha, Advocate for
Mr. Sandeep Goyat, Advocate for the appellants.
(joined through hybrid mode)

Mr. Nigam K. Bhardwaj, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

CM-793-CII-2025

1. This is an application for condonation of delay of 328 days in filing the main appeal.
2. For the reasons stated in the application, the same is allowed and the delay of 328 days in filing the main appeal is condoned. However, the claimant-appellants shall not be entitled to any interest for the period of delay of 328 days in filing the main appeal.

FAO-216-2025

3. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Gurugram (hereinafter referred to as the 'Tribunal') vide award dated 17.11.2023.

4. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal, are not being adverted to herein for the sake of brevity.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹15,500
2.	Annual income	[₹15,500 x 12] = ₹1,86,000
3.	Deduction 1/4 th	[₹1,86,000 - ₹46,500] = ₹1,39,500
4.	Future prospects 40%	[₹1,39,500 + ₹55,800] = ₹1,95,300
5.	Multiplier of '17'	[₹1,95,300 x 17] = ₹33,20,100
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
8.	Loss of consortium	[₹40,000 x 6] = ₹2,40,000
	Total Compensation	₹35,90,100
	Interest	@ 7.5% per annum

6. Learned counsel for the claimant-appellants would contend that the deceased in the present case was 30 years of age at the time of accident and the Tribunal had assessed his income as ₹15,500 which the claimant-appellants do not challenge. Learned counsel would further contend that the claimant-appellants also do not challenge the deduction to the extent of 1/4th, the addition of 40% made towards future prospects and the multiplier of 17 as applied by the Tribunal. Learned counsel, however, contends that the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses and under the head loss of consortium are not in consonance 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. Chola mandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642].

7. *Per contra*, the learned counsel for respondent No.2-Insurance Company has vehemently argued that sufficient amount had already been awarded as compensation in the present case and that there is no scope of any enhancement.

8. Heard.

9. In the present case, admittedly, no appeal has been preferred by respondent No.2-Insurance Company. Since there is no challenge to the income of the deceased as assessed, the deduction of 1/4th, addition of 40% made towards future prospects and the multiplier of 17 as applied by the Tribunal, the same are maintained. The amounts awarded under the conventional heads i.e. loss of estate and funeral expenses are not in consonance 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). Accordingly, 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. As per the law laid down by the Hon'ble Supreme Court in the case **Magma General Insurance Company Limited** (supra), the claimant-appellants would also be entitled to compensation under the head loss of consortium to the tune of ₹48,000 each.

10. Accordingly, the reworked compensation to which the claimant-appellants are held entitled to is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹15,500
2.	Annual income	[₹15,500 x 12] = ₹1,86,000
3.	Deduction 1/4 th	[₹1,86,000 - ₹46,500] = ₹1,39,500
4.	Future prospects 40%	[₹1,39,500 + ₹55,800] = ₹1,95,300
5.	Multiplier of '17'	[₹1,95,300 x 17] = ₹33,20,100
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium	[₹48,000 x 6] = ₹2,88,000
	Total Compensation	₹36,44,100

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. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal. However, the claimant-appellants shall not be entitled to any interest for the period of delay of 328 days in filing the main appeal.

12. 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 respondent No.2-Insurance Company in the bank account of the claimant-appellants within a period of six weeks from today. The share of the minor claimant-appellants shall be kept in an FDR with a nationalized bank fetching maximum rate of interest. The particulars of the bank account along with the requisite documents in support thereof shall be furnished by the claimant-

appellants to respondent No.2-Insurance company within a period of two weeks from today and needful shall be done by respondent No.2-Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

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

01.09.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No