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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-201-2024 (O&M)
Date of Decision : 01.09.2025

LATA AND ORS. .... Appellants

VERSUS

SHRE RAM AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Manoj Pundir, Advocate and
Mr. Puneet Munjal, Advocate for the appellants.

Mr. Pradeep Kumar, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (hereinafter referred to as the 'Tribunal') vide award dated 19.10.2023.

2. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹12,000
2.	Annual income	[₹12,000 x 12] = ₹1,44,000
3.	Deduction 1/4th	[₹1,44,000 - ₹36,000] = ₹1,08,000
4.	Future prospects 40%	[₹1,08,000 + ₹43,200] = ₹1,51,200
5.	Multiplier of '15'	[₹1,51,200 x 15] = ₹22,68,000
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
8.	Loss of spousal	₹40,000
9.	Medical expenses	₹34,210
	Total Compensation	**₹23,72,210**
	Interest	**@ 7.5% per annum**

4. Learned counsel for the claimant-appellants would contend that the deceased in the present case was 38 years of age at the time of accident and the Tribunal had assessed his income as ₹12,000/- per month 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, the multiplier of 15 as applied and the amount of ₹34,210/- awarded towards medical expenses 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. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra*, the learned counsel for respondent No.3-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.

6. Heard.

7. In the present case, admittedly, no appeal has been preferred by respondent No.3-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, the multiplier of 15 as applied and the amount of ₹34,210/- awarded towards medical expenses 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, being widow, children and mother of the deceased, would also be entitled to compensation under the head loss of consortium to the tune of ₹48,000 each.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹12,000
2.	Annual income	[₹12,000 x 12] = ₹1,44,000
3.	Deduction 1/4th	[₹1,44,000 - ₹36,000] = ₹1,08,000
4.	Future prospects 40%	[₹1,08,000 + ₹43,200] = ₹1,51,200
5.	Multiplier of '15'	[₹1,51,200 x 15] = ₹22,68,000
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of spousal (i) Parental (ii) Filial (iii) Spousal	 [₹48,000 x 2] = ₹96,000 ₹48,000 ₹48,000 Total = ₹1,92,000
9.	Medical expenses	₹34,210
	Total Compensation	**₹25,30,210**

9. 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.

10. 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.3-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.3-Insurance company within a period of two

weeks from today and needful shall be done by respondent No.3-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.

11. 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 **(ALKA SARIN)**
Aman Jain **JUDGE**

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