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

FAO-748-2025 (O&M)

Date of Decision : 28.08.2025

Asha Rani & Anr

... Appellant(s)

Versus

Rajbir Singh & Anr

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Kapish Singla, Advocate for the appellants.

Mr. Vinod Gupta, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)

CM-2293-CII-2025

1. For the reasons mentioned therein, the application seeking condonation of delay of 84 days in filing the appeal is allowed and the delay of 84 days in filing the appeal is condoned.

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2. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Sonapat (hereinafter referred to as 'Tribunal') vide the impugned award dated 01.08.2024 in a motor vehicle accident which occurred on 08.05.2021.

3. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

4. Notice of motion to respondent No.2-Insurance Company only.

5. On the asking of the Court, Mr. Vinod Gupta, Advocate accepts notice on behalf of respondent No.2-Insurance Company.

6. Learned counsel for the parties’ state that the present appeal may be disposed off today itself as the only question involved in the present case is qua the compensation under the head ‘loss of consortium’ and compensation under the conventional heads.

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

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹12,000/-
2	Future prospects 40%	[₹12,000 + ₹4,800] = ₹16,800/-
3	Deduction 50%	[₹16,800 – ₹8,400] = ₹8,400/-
4	Multiplier of 18	[₹8,400 x 12 x 18] = ₹18,14,400/-
5	Transportation and funeral expenses	₹18,150/-
6	Loss of love and affection	₹18,150/-
7	Total Compensation	₹18,50,700/-
	Interest	7% per annum

8. The only argument of the learned counsel for the claimant-appellants is that no compensation has been awarded under the head ‘loss of consortium’. 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. Chola mandalam M.S General Insurance Company Ltd.** [2021(4) RCR (Civil) 642].

9. *Per contra*, learned counsel for respondent No.2-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.

10. I have heard the learned counsel for the parties.

11. Admittedly, no appeal has been preferred by the Insurance Company. Since the only challenge in the present case is qua the compensation under the head ‘loss of consortium’, the compensation awarded under the other heads is accordingly maintained. In the present case the Tribunal has not awarded any compensation under the head ‘loss of consortium’ in consonance with the settled law. Hence, as per 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), the claimant-appellants (parents of the deceased) would be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr.No.	Heads	Compensation Awarded
1	Monthly Income	₹12,000/-
2	Annual Income	₹1,44,000/- [₹12,000 x 12]
3	Deduction - 50%	₹72,000/- [₹1,44,000 - ₹72,000]
4	Future Prospects - 40%	₹1,00,800/- [₹72,000 + ₹28,800]
5	Multiplier - 18	₹18,14,400/- [₹1,00,800 x 18]
6	Loss of love and affection	₹18,150/-
7	Funeral expenses	₹18,150/-
8	Loss of consortium (ii) Filial [₹48,000/- x 2]	₹96,000/-
	Total Compensation	₹19,46,700/-

12. 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.

13. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, 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 direction of 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.

14. In view of the above, the present appeal is allowed and the impugned award stands modified to the extent stated above. Pending applications, if any, also stand disposed off.

28.08.2025
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

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