



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

FAO-3349-2002
Date of Decision: 04.11.2025

HARBANS KAUR AND ANR

Versus

AJIT SINGH AND ORS

....Appellants

...Respondents

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Rahul Sharma, Advocate for
 Mr. B.S. Bhalla, Advocate
 for the appellants.

 Mr. Neeraj Khanna, Advocate and
 Mr. Ravinder Arora, Advocate
 for respondent No.3.

Parmod Goyal, J. (Oral)

The present appeal has been preferred by the claimants-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Moga (hereinafter referred to as ‘Tribunal’) vide the impugned award dated 06.05.2002 on account of death of Gurprit Singh (hereinafter referred to as ‘deceased’) in motor vehicle accident which occurred on 02.03.2001 on account of rash and negligent driving by respondent No.1 while driving truck bearing registration No.PJF-596.

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 for sake of brevity.
3. The Tribunal in the present case has awarded the following compensation:-

Monthly Income	Rs.4,964/- per month (as per salary certificate)	Rs.4,964/- per month (as per salary certificate)
Income after deduction		Rs.3,000/-



Multiplier	5	5
Total Loss of Dependency	Rs.3,000x12	Rs.36,000/-
Funeral Expenses		Rs. 2,500/-
Total Compensation awarded		Rs. 1,82,500/-

4. Learned counsel for the claimants-appellants has not challenged the income as assessed, however, the deduction towards personal expenses, the addition to be made towards the future prospects, multiplier applied and the amounts awarded under the conventional heads i.e. funeral expenses and loss of estate, loss of consortium are stated to be not in accordance 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 Learned counsel for respondent No.3 Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and there is no scope of enhancement.

6. In the present case, since no challenge has been made by the learned counsel for the claimant-appellant to the income of the deceased who was in Army as assessed by the Tribunal, the same is accordingly upheld. Since the deceased was about 19 years of age at the time of accident as per the post mortem report, multiplier of '18' would be applicable instead of '5' as per the law laid down by Hon'ble Supreme Court in case of Sarla



future prospects. Since the deceased in the present case was 19 years of age, was in permanent job and was getting fixed and regular salary, hence, an addition of 50% would be applicable towards future prospects as per the law laid down by Hon'ble Supreme Court in case of Pranay Sethi (supra). Keeping in view that deceased was unmarried, compensation has been sought by parents, and the number of dependants are two, the deduction in present case has to be 1/2. In the present case the claimants-appellants shall also be entitled to compensation of Rs.7,500/- towards funeral expenses, Rs.7,500/- loss of estate and Rs.15,000/- to each of the claimants-appellants towards filial consortium.

7. Accordingly, the reworked compensation to which the claimants – appellants are entitled to is as under:

Income	Rs. 4,964/- per month (as per salary certificate)	Rs.4,964/- per month
Future Prospects	50% (Rs.4,964+ 2482)	Rs.7,446/-
Deduction	1/2 (Rs.7,446-3723)	Rs.3723
Multiplier	18	18
Total loss of dependency	3713 x 18 x 12	Rs.8,04,168/-
Loss of Estate		Rs.7,500/-
Funeral Expenses		Rs.7,500/-
Loss of filial consortium to claimant Nos.1 & 2	Rs.15000 x 2	Rs.30,000/-
Total Compensation awarded in appeal		Rs.8,49,168/-



Total Compensation awarded by the Tribunal	Rs.1,82,500/-	
Enhanced amount of compensation	Rs.8,49,168 /- (as awarded in appeal) - Rs.1,82,500/- (as awarded by Tribunal)	Rs.6,66,668/-

8. Claimants-appellants shall also be entitled to interest at the rate of 7.5% per annum from the date of filing of petition till realization on enhanced compensation. Apportionment and liability of respondents to pay compensation shall be as per award.

9. 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(s) of the claimants-appellants within a period of six weeks from today. The particulars of the bank account(s) along with requisite documents in support thereof shall be furnished by the claimants-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.

10. 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 of.

04.11.2025
chiranjeev

(PARMOD GOYAL)
JUDGE