



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-949-2023 (O&M)
Date of Decision : 12.09.2025

Summaya and Others ... Appellants

Versus

Dharmendra Kumar Yadav and Others ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Atul Yadav, Advocate for the appellants.

Mr. Vinod Gupta, 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, Gurugram (hereinafter referred to as the ‘Tribunal’) vide the impugned award dated 28.10.2022 on account of death of Imran Khan (hereinafter referred to as the ‘deceased’) in a motor vehicle accident which occurred on 30/31.03.2019.
- .2. Since the factum of the accident is not in dispute, the facts are not being adverted to 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	₹10,000/-
2	Future prospects - 40%	[₹10,000 + 4,000] = ₹14,000/-
3	Deduction - 1/5 th	[₹14,000 – 2,800] = ₹11,200/-
4	Annual income	[₹11,200 x 12] = ₹1,34,400/-
5	Multiplier of 15	[₹1,34,400 x 15] = ₹20,16,000/-

6	Funeral expenses	₹15,000/-
7	Loss of estate	₹15,000/-
8	Love and affection	₹40,000/-
	Total Compensation	₹20,86,000/-
	Interest	7% per annum

4. Learned counsel for the claimant-appellants states that though he does not challenge the deduction, multiplier and future prospects as applied by the Tribunal however, he has contended that the income of the deceased as assessed by the Tribunal is on the lower side inasmuch as the deceased was a driver by profession and was driving the truck which was owned by his father hence the income of the deceased ought to have been assessed as per the minimum wages applicable to a skilled worker at the relevant point of time. Learned counsel for the claimant-appellants has further contended 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]**.

5. *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.

6. Heard.

7. 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. The Tribunal has assessed the income of the deceased as ₹10,000/- per month which in the opinion of this Court is on the lower side inasmuch as the deceased in the present case was a driver by profession and used to drive the truck owned by his father. A perusal of the driving licence, which has been proved on record by the claimant-appellants as Ex.P3, the deceased was authorized to drive a Transport Vehicle/Light Motor Vehicle/Motorcycle. In view thereof, the income of the deceased ought to have been assessed as per the minimum wage applicable for a skilled worker at the time of the accident, which was ₹10,969/- per month. Hence, the income of the deceased is assessed as ₹10,969/- per month. 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’. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹10,969/-
2	Annual Income	₹1,31,628/- [₹10,969 x 12]
3	Deduction - 1/5th	₹1,05,302/- [₹1,31,628 - ₹26,326]
4	Future Prospects - 40%	₹1,47,423/- [₹1,05,302 + ₹42,121]
5	Multiplier - 15	₹22,11,345/- [₹1,47,423 x 15]
6	Loss of estate	₹18,000/-

7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 5] (ii) Filial [₹48,000/- x 2] (iii) Spousal	₹2,40,000/- ₹96,000/- ₹48,000/- (Total ₹3,84,000/-)
	Total Compensation	₹26,31,345/-

8. 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.

9. 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 percentage directed by the Tribunal and the share of the minor claimants (appellant Nos.4 to 6 herein) shall be kept in fixed deposits by the Bank concerned. 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.

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

12.09.2025
jk

(ALKA SARIN)
JUDGE

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