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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1452-2021 (O&M)
Date of Decision : 27.08.2025

NIRMALA DEVI AND ANR .... Appellants

VERSUS

BIJENDER SINGH AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ankush Duhan, Advocate for
Mr. Sudhir Rana, Advocate for the appellants.

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

ALKA SARIN, J. (ORAL)

CM-9885-CII-2021

1. This is an application for condonation of delay of 91 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 91 days in filing the main appeal is condoned.

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3. This is an application for condonation of delay of 336 days in refiling the main appeal.

4. For the reasons stated in the application, the same is allowed and the delay of 336 days in refiling the main appeal is condoned.

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5. The present appeal has been preferred by the claimant-appellants

aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as the 'Tribunal') vide award dated 06.08.2019.

6. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,300
2.	Annual income	[₹9,300 x 12] = ₹1,11,600
3.	Deduction 1/2	[₹1,11,600 – ₹55,800] = ₹55,800
4.	Future prospects 40%	[₹55,800 + ₹22,320] = ₹78,120
5.	Multiplier of 18	[₹78,120 x 18] = ₹14,06,160
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
	Total Compensation	**₹14,36,160**
	Interest	**@ 9% per annum**

8. Learned counsel for the claimant-appellants would contend that the claimant-appellants do not dispute the income of ₹9,300 as assessed, addition of 40% made towards future prospects, deduction of 1/2 and the multiplier of 18 as applied by the Tribunal. Learned counsel, however, states that no compensation has been awarded under the head 'loss of consortium' and further that the compensation awarded under the conventional heads is on the lower side. In support of his contentions the learned counsel for the claimant-appellants 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]**.

9. *Per contra*, the learned counsel for respondent No.3-Insurance Company, who is the only contesting respondent, 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.

10. Heard.

11. In the present case, admittedly, there is no appeal preferred by respondent No.3-Insurance Company. Since there is no challenge to the income of ₹9,300 as assessed, addition of 40% made towards future prospects, deduction of 1/2 and the multiplier of 18 as applied by the Tribunal, the same are maintained. However, the compensation awarded under the conventional heads is on the lower side and no compensation has been awarded under the head 'loss of consortium'. 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 would be entitled to ₹18,000 (₹15,000 + 20% increase) towards loss of estate and ₹18,000 (₹15,000 + 20% increase) towards funeral expenses. The claimant-appellants, being parents of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,300
2.	Annual income	[₹9,300 x 12] = ₹1,11,600
3.	Deduction 1/2	[₹1,11,600 – ₹55,800] = ₹55,800
4.	Future prospects 40%	[₹55,800 + ₹22,320] = ₹78,120
5.	Multiplier of 18	[₹78,120 x 18] = ₹14,06,160
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
	Loss of Consortium : (i) Filial (parents)	[₹48,000 x 2] = ₹96,000
	Total Compensation	**₹15,38,160**

13. 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.

14. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 AIR (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 claimant-appellants within a period of six weeks from today. The particulars of the bank account(s) 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.

15. 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.

27.08.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

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