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

FAO-1834-2020 (O&M)

Date of Decision : 26.08.2025

Savita & Ors

... Appellant(s)

Versus

Birendra Singh & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. M.S. Rana, Advocate for the appellants.

Mr. Nigam K. Bhardwaj, Advocate for respondent No.3.

Mr. Rahul Chauhan, Advocate for
Mr. M.S. Kathuria, Advocate for respondent No.4.

Mr. Sanjeev K. Arora, Advocate for respondent No.5.

Service of respondent Nos.1 and 2 dispensed with
vide order dated 28.05.2025.

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, Jhajjar (hereinafter referred to as 'Tribunal'), vide the impugned award dated 31.10.2019 in a motor vehicle accident which occurred on 16.07.2016.

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	₹7,000/-
2	Future prospects 25%	₹1,750/-
3	Deduction 1/3 rd	₹2,917/-
4	Annual dependency	₹69,996/- [₹5,833 x 12]
5	Multiplier of 14	[₹69,996 x 14] = ₹9,79,944/-
6	Funeral expenses	₹15,000/-
7	Loss of estate	₹15,000/-
8	Loss of consortium	₹40,000/-
9	Total Compensation	₹10,49,944/-
	Interest	6% per annum

4. Learned counsel for the claimant-appellants states that he does not challenge the future prospects and deduction as applied by the Tribunal. He, however, states that the income of the deceased has wrongly been assessed as ₹7,000/- per month inasmuch as the deceased was working as a Conductor/Cleaner on Canter Eicher bearing Registration No.HR-63-C-1860 of Dhan Raj son of Dara Singh and was getting ₹15,000/- per month. Learned counsel would further contend that in the absence of any evidence having been led, the Tribunal ought to have assessed the income of the deceased as per the minimum wage applicable for an unskilled worker at the time of the accident which was ₹8,070/- per month. However, going by the statement of respondent No.4-Dhan Raj, the Tribunal has assessed the income of the deceased as ₹7,000/- per month. It is further the contention of the learned counsel that the age of the deceased as per his Driving Licence (Ex.P10) was 40 years 06 months i.e. below the age of 41 years, therefore, a multiplier of 15 ought to have been applied instead of 14. It is further the contention of the learned counsel that the compensation awarded 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 support of his contentions, he has relied upon the judgments of the Hon’ble Supreme Court in the cases

of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]**, **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 the contesting respondent No.3-Insurance Company has contended that respondent No.4-Dhan Raj, who is stated to be the owner of the Canter, had stepped into the witness box as RW1 and had stated that the income of the deceased was ₹7,000/- per month, therefore, no fault can be found with the income of the deceased. It is further the contention of the learned counsel that since the age of the deceased was 40 years 06 months, therefore, a multiplier of 14 has rightly been applied by the Tribunal. It is further the contention of the learned counsel that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

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

7. Admittedly no appeal has been preferred by the Insurance Company. In the present case since no challenge has been laid by the learned counsel for the appellants to the future prospects and deduction as applied by the Tribunal, the same are maintained accordingly.

8. In the present case the deceased was stated to be working as a Conductor/Cleaner on Canter Eicher bearing Registration No.HR-63-C-1860 of Dhan Raj son of Dara Singh. In the absence of any evidence regarding income of the deceased, the same ought to have been assessed keeping in view the minimum wage applicable for an unskilled worker at the time of the accident which was ₹8,070/- per month. However, going by the statement of

respondent No.4-Dhan Raj, the income of the deceased has been assessed as ₹7,000/- per month and the same cannot be sustained keeping in view the minimum wage applicable at the time of the accident. Accordingly, the income of the deceased is assessed as ₹8,070/- per month. The Tribunal has applied a multiplier of 14 in the present case. The age of the deceased at the time of the accident was 40 years 06 months which is below 41 years, therefore, as per the law laid down by the Hon’ble Supreme Court in the case of **Sarla Verma** (supra), multiplier of 15 ought to have been applied instead of 14.

9. Further, the compensation awarded under the conventional heads and under the head ‘loss of consortium’ is not 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), hence, the claimants 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 the claimants (wife and two children of the deceased) would also 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	₹8,070/-
2	Annual Income	₹96,840/- [₹8,070 x 12]
3	Deduction - 1/3rd	₹64,560/- [₹96,840 - ₹32,280]
4	Future Prospects - 25%	₹80,700/- [₹64,560 + ₹16,140]
5	Multiplier - 15	₹12,10,500/- [₹80,700 x 15]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 2] (ii) Spousal's	₹96,000/- ₹48,000/- (Total ₹1,44,000/-)

	Total Compensation	₹13,90,500/-
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10. 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.

11. 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.

12. 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.

26.08.2025
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

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