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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2986-2023 (O&M)
Date of Decision : 01.09.2025

BALJIT KAUR AND ANR .... Appellants

VERSUS

KULWINDER SINGH AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sharwan Sehgal, Advocate for the appellants.
(joined through hybrid mode)

Mr. Vinod Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

CM-10796-CII-2023

1. This is an application for condonation of delay of 204 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 204 days in filing the appeal is condoned. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

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3. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as the 'Tribunal') vide award dated 18.04.2022.

4. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,334
2.	Annual income	[₹9,334 x 12] = ₹1,12,008
3.	Deduction 1/3rd	[₹1,12,008 - ₹37,336] = ₹74,672
4.	Future prospects 40%	[₹74,672 + ₹29,868.8] = ₹1,04,540.8
5.	Multiplier of 16	[₹1,04,540.8 x 16] = ₹16,72,652.8
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
8.	Loss of consortium	₹80,000
	Total Compensation	**₹17,82,652**
	Interest	**@ 7.5% per annum**

6. Learned counsel for the claimant-appellants would contend that the income of the deceased, as assessed, is on the lower side and that the multiplier has also wrongly been applied. It is further the contention of the learned counsel that the amounts awarded under the conventional heads and under the head loss of consortium are not in consonance of 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]**.

7. *Per contra*, learned counsel for respondent No.3 has pointed out that in the absence of any evidence, the income has rightly been assessed as per the minimum wages prevalent at the relevant time. It is further the contention of the learned counsel that the age of the deceased in the present case was 32 years and as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]** multiplier of 16 would be applicable hence no fault can be found with the multiplier as applied by the Tribunal. The learned counsel has further vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

8. Heard.

9. In the present case the argument of the learned counsel for the claimant-appellants that income of the deceased has wrongly been assessed deserves to be rejected. The deceased in the present case was 32 years old and was stated to be working as a Mason. Though his salary was claimed to be ₹20,000 per month, however, there is no evidence on the record of him being employed as a Mason or qua his income. The Tribunal has assessed the income of the deceased as per the minimum wages applicable to an unskilled worker at the relevant time which was ₹9,334 hence no fault can be found with the same and the same is accordingly maintained. The argument of the learned counsel that a multiplier of 17 ought to have been applied also deserves to be rejected in view of the judgment of the Hon'ble Supreme Court in the case of **Sarla Verma** (supra). The age of the deceased was 32 years and

as such a multiplier of 16 has rightly been applied. The argument of the learned counsel for the claimant-appellants that the amounts awarded under the conventional heads as well as under the head loss of consortium are on the lower side deserves to be accepted. Accordingly, 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. Since there is no challenge to deduction and the addition made towards future prospects, the same are maintained.

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

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹9,334
2	Annual income	[₹9,334 x 12] = ₹1,12,008
3	Deduction 1/3rd	[₹1,12,008 - ₹37,336] = ₹74,672
4	Future prospects 40%	[₹74,672 + ₹29,869] = ₹1,04,541
5	Multiplier of 16	[₹1,04,541 x 16] = ₹16,72,656
6	Funeral expenses	₹18,000
7	Loss of estate	₹18,000
8	Loss of consortium	[₹48,000 x 2] = ₹96,000
	Total Compensation	**₹18,04,656**

11. 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. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

12. 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 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.

13. 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.

01.09.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

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