IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

108+228 **FAO-1907-2002 (O&M)**
Date of decision :03.11.2025

NIRMALA @ URMILA AND ORS ... APPELLANTS

VERSUS

MOHINDER SINGH AND ORS ...RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Manish Boora, Advocate
for the appellants

Mr. Vinod Gupta, Advocate
for the respondent-Insurance Company.

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PARMOD GOYAL, J. (ORAL)

CM-21198-CII-2025

For the reasons stated in the application, the Legal Representatives of appellant No. 3-Sri Bhagwan alias Bhagwan Bishan (since deceased), as mentioned in paragraph 2 of the application, are hereby impleaded as LRs, subject to just exceptions.

Amended memo of parties is taken on record.

Application stands disposed of accordingly.

Main Case

1. Present appeal has been preferred by the wife, daughter and parents of the deceased, Hawa Singh (hereinafter referred to as the "Deceased"), who died in a road accident which took place on 13.10.1999, on account of rash and negligent driving by Respondent No. 1 while driving sumo jeep bearing registration No. HR-22B- 3590.

2. Being aggrieved by the impugned award dated 11.10.2001 passed by

the Motor Accident Claims Tribunal, Sirsa (hereinafter referred to as "Tribunal"), vide which the appellants were found entitled to total compensation of Rs 2,56,000/-, the appellants are seeking enhancement of compensation awarded by the Tribunal as the same is not according to their entitlement.

3. 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 herein sake of brevity.

4. The Tribunal in the present case has awarded the following compensation:

Monthly Income	Rs. 2,000/- (as per minimum wages)	Rs. 24,000/-
Deduction	1/3rd	Rs. 16,000/-
Multiplier	16	16
Total Loss of Dependency	Rs. 16,000 X 16	Rs. 2,56,000/-
Total Compensation awarded		Rs. 2,56,000/-

5. Learned Counsel for the claimants-appellants does not challenge the income as assessed however, asserted that no addition has been made towards future prospects which ought to be to the extent of 40% in terms of judgment of Hon'ble Supreme Court in ***National Insurance Company Ltd. Vs Pranay Sethi & Ors***, 2017 (16) SCC 680. Since the age of the deceased was about 25/26 years as per the post mortem report, multiplier of '17' ought to be applied as per the case in ***Smt. Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr.***, 2009 (2) SCC (Civil) 770. Amounts under conventional heads i.e. loss of estate, funeral expenses, loss of consortium were wrongly not awarded & ought to have been granted in view of mandate of Hon'ble Supreme Court in ***National Insurance***

Company Limited Vs. Pranay Sethi & Ors, 2017 (16) SCC 680, ***Magma General Insurance Company Limited vs. Nathu Ram alias Chuhu Ram & Ors***, 2018 (18) SCC 130 and ***N. Jayasree & Ors. Vs. Cholamandalam M.S General Insurance Company Ltd***, 2021 (4) RCR (Civil) 642.

6. 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.

7. In the present case, since no challenge has been made by the learned counsel for the claimant-appellant to the income of the deceased as assessed by the Tribunal, the same is accordingly upheld. Since the deceased was about 25/26 years of age at the time of accident as per the post mortem report, a multiplier of '17' would be applicable instead of '16' as per the law laid down by Hon'ble Supreme Court in case of ***Sarla Verma*** (supra). The Tribunal has not made any addition towards loss of future prospects. Since the deceased in the present case was 25/26 years of age, an addition of 40%would be applicable as per the law laid down by Hon'ble Supreme Court in case of ***Pranay Sethi*** (supra). The deduction at the rate of 1/3rd has also been wrongly made, keeping in view the number of dependents i.e. 4 the deduction ought to have been 1/4th and accordingly awarded. 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 spousal, parental and filial consortium.

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

Income	Rs. 2,000/- (as per minimum wages)	Rs 2,000/-
Future Prospects	40%	Rs. 2,800/-

	(2,000 + 800)	
Deduction	1/4th (2800-700)	Rs 2,100/-
Multiplier	17	17
Total loss of dependency	2,100X12X17	Rs 4,28,400
Loss of Estate	Rs. 7,500/-	Rs. 7,500/-
Funeral Expenses	Rs. 7,500/-	Rs. 7,500/-
Loss of Spousal Consortium to claimant No. 1	Rs. 15,000/-	Rs. 15,000/-
Loss of Parental consortium to claimant no. 2	Rs. 15,000/-	Rs. 15,000/-
Loss of filial consortium to claimant nos. 3 & 4	Rs. 15,000/- x 2	Rs. 30,000/-
Total Compensation awarded in appeal		Rs. 5,03,400-
Total Compensation awarded by the Tribunal	Rs. 2,56,000/-	
Enhanced amount of compensation	Rs 5,03,400- (awarded in appeal) – Rs 2,56,000/- (awarded by the Tribunal)	Rs. 2,47,400/-

9. In view of the above, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Claimants shall also be entitled to interest at the rate of 7.5% per annum on enhanced amount from the date of filing of petition till realization on enhanced compensation. Apportionment of compensation & liability of respondents shall be as per award

10. 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.

11. In view of the above discussion, the award passed by the Tribunal is modified and the present appeal stands allowed accordingly.

12. Pending miscellaneous application(s), if any, shall also stand disposed of.

03.11.2025 **(PARMOD GOYAL)**
manoj **JUDGE**

Whether speaking/reasoned	Yes
Whether reportable	Yes/No