IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

275 **FAO-2537-2020 (O&M)**
Date of Decision : 08.05.2025

Geeta Sharma and Others ....Appellants

VERSUS

Ram Bhujart Bharti and Others ....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Yashvardhan Goyal, Advocate for
Mr. Akshay Jindal, Advocate for the appellants.

Mr. Puneet Jain, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Faridabad (hereinafter referred to as the 'Tribunal') vide award dated 18.07.2019 on account of death of Anil Kumar (hereinafter referred to as the 'deceased').

2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein 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	₹49,000/-
2	Future prospects @ 10%	[₹49,000 + 4,900] = ₹53,900/-
3	Annual income	[₹53,900 x 12] = ₹6,46,800/-

4	Income after deduction of tax	[₹6,46,800 – ₹5,485] = ₹6,41,315/-
5	Deduction – 1/4th	[₹6,41,315 – 1,60,329] =₹4,80,986/-
6	Multiplier -11	[₹4,80,986/- x 11] = ₹52,90,846/-
7	Loss of estate	₹15,000/-
8	Loss of consortium to wife	₹40,000/-
9	Loss of love and affection	[₹40,000 x 3] = ₹1,20,000/-
10	Funeral expenses	₹15,000/-
	Total compensation	**₹54,80,000/-**
	Interest	**9% per annum**

4. Learned counsel for the claimant-appellants would contend that though he does not challenge the income of the deceased, deduction, multiplier and the addition towards loss of future prospects as assessed by the Tribunal, however, the amounts awarded under the conventional heads as well as under the head 'loss of consortium' are not in accordance with the law. In support of his contentions, 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* learned counsel for respondent No.3-Insurance Company would contend that sufficient amount has already been awarded and there is no scope of any enhancement.

6. Heard.

7. In the present case, no appeal has been filed by respondent

No.3-Insurance Company. Since there is no challenge to the income of the deceased, deduction, multiplier and the addition towards loss of future prospects as assessed by the Tribunal, the same are accordingly maintained. The amounts awarded under the conventional heads as well as the under the 'loss of consortium' are not in accordance with the law inasmuch as an amount of ₹30,000/- has been awarded towards loss of estate and funeral expenses and ₹40,000/- each under the head 'loss of consortium' and 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 Rs.18,000/- (Rs.15,000+20% increase) towards loss of estate and Rs.18,000/- (Rs.15,000+20% increase) towards funeral expenses. The claimant-appellants would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of consortium.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹49,000/-
2	Future prospects @ 10%	[₹49,000 + 4,900] = ₹53,900/-
3	Annual income	[₹53,900 x 12] = ₹6,46,800/-
4	Income after deduction of tax as assessed by the Tribunal	[₹6,46,800 – ₹5,485] = ₹6,41,315/-
5	Deduction – $1/4^{th}$	[₹6,41,315 – 1,60,329] =₹4,80,986/-
6	Multiplier – 11	[₹4,80,986/- x 11] = ₹52,90,846/-
7	Loss of estate	₹18,000/-
8	Funeral expenses	₹18,000/-

9	Loss of consortium (i) Parental [₹48,000/- x 2] (ii) Filial [₹48,000/- x 1] (iii) Spousal's	 ₹96,000/- ₹48,000/- ₹48,000/- (Total ₹1,92,000/-)
	Total Compensation	**₹55,18,846/-**

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

10. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 INSC 361 : Civil Appeal No.4299 of 2025 arising out of SLP (C) No.4484 of 2020 decided on 18.03.2025]**, 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 claimant, if any, 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.

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

(ALKA SARIN)
08.05.2025 **JUDGE**
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NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO