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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2804-2021 (O&M)
Date of Decision : 25.09.2025

Manju Rani and Others ... Appellants

Versus

Kailash Chand and Others ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Shokeen Singh Verma, Advocate for the appellants.

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

ALKA SARIN, J. (Oral)

1. On 23.05.2025 notice of motion was issued and on the asking of the Court, Mr. Sachin Ohri, Advocate had accepted the notice on behalf of respondent No.3-Insurance Company, which is the only contesting respondent in the present case. Subsequently, none appeared on behalf of respondent No.3 on 03.09.2025. Today also, despite the case being called twice, none has put in appearance on behalf of respondent No.3. On the asking of the Court, Mr. Punit Jain, Advocate has put in appearance on its behalf and requested for a pass-over to enable him to go through the paper-book. The matter has been taken up thereafter.

2. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Charkhi Dadri (hereinafter referred to as 'Tribunal') vide the impugned award dated 02.12.2019 on account of death of Ashok Kumar (hereinafter referred to as the 'deceased') in a motor vehicle accident which occurred on 05.03.2017.

3. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

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

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹9,880/-
2	Future prospects - 40%	[₹9,880 + 3,952] = ₹13,832/-
3	Deduction 1/4th	[₹13,832 - 3,458] = ₹10,374/-
4	Annual income	[₹10,374 x 12] = ₹1,24,488/-
5	Multiplier of '17'	[₹1,24,488 x 17] = ₹21,16,296/-
6	Funeral expenses	₹15,000/-
7	Loss of estate	₹15,000/-
8	Loss of consortium	₹40,000/-
	Total Compensation	**₹21,86,296/-**
	Interest	**9% per annum**

5. Learned counsel for the claimant-appellants would contend that though he does not challenge the income, deduction, future prospects and multiplier as applied by the Tribunal, however, he has contended 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 contention 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]**.

6. *Per contra*, the learned counsel for the respondent-Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any

enhancement.

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

8. Admittedly, no appeal has been preferred by the Insurance Company. In the present case, since no challenge has been laid by learned counsel for the claimant-appellants to the income, deduction, future prospects and multiplier as applied by the Tribunal, the same are maintained accordingly. However, the compensation awarded by the Tribunal under the conventional heads as well as under the head 'loss of consortium' is not as per the law laid down by the Hon'ble Supreme Court. 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 as also to ₹48,000/- each (₹40,000+20% increase) towards loss of filial consortium.

9. Accordingly, the reworked compensation is as under :

Sr.No.	Heads	Compensation Awarded	
1	Monthly Income	₹9,880/-	
2	Annual Income	₹1,18,560/-	[₹9,880 x 12]
3	Deduction - 1/4th	₹88,920/-	[₹1,18,560 - ₹29,640]
4	Future Prospects - 40%	₹1,24,488/-	[₹88,920 + ₹35,568]
5	Multiplier - 17	₹21,16,296/-	[₹1,24,488 x 17]
6	Loss of estate	₹18,000/-	
7	Funeral expenses	₹18,000/-	
8	Loss of consortium (i) Parental [₹48,000/- x 2] (ii) Filial [₹48,000/- x 2] (iii) Spousal	 ₹96,000/- ₹96,000/- ₹48,000/- (Total ₹2,40,000/-)	
	Total Compensation	**₹23,92,296/-**	

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 percentage directed by the Tribunal and the share of the minor claimants (appellant Nos.2 and 3 herein) 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 claimant-appellants 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 award passed by the Tribunal is modified and the present appeal stands allowed accordingly. Pending applications, if any, also stand disposed off.

25.09.2025
jk

(ALKA SARIN)
JUDGE

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