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IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO-4033-2023 (O&M)

Date of Decision : 14.11.2025

Preeti & Ors. ... Appellant(s)

Versus

Parveen Kumar & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sumit Gupta, Advocate for the appellants.

Mr. Harender Kumar, Advocate for respondent No.3.

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, Palwal (hereinafter referred to as ‘Tribunal’) vide the impugned award dated 02.09.2022 in a motor vehicle accident which occurred on 23.06.2018.
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                | ₹8,498/-                          |
| 2       | Annual Income                 | ₹1,01,976/- [₹8,498 x 12]         |
| 3       | Future Prospects - 40%        | ₹1,42,766/- [₹1,01,976 + ₹40,790] |
| 4       | Deduction - 1/4 <sup>th</sup> | ₹1,07,074/- [₹1,42,766 - ₹35,692] |
| 5       | Multiplier - 16               | ₹17,13,184/- [₹1,07,074 x 16]     |

|   |                           |                     |
|---|---------------------------|---------------------|
| 6 | Loss of estate            | ₹15,000/-           |
| 7 | Funeral expenses          | ₹15,000/-           |
| 8 | Loss of consortium        | ₹2,40,000/-         |
|   | <b>Total Compensation</b> | <b>₹19,83,184/-</b> |
|   | <b>Interest</b>           | <b>7.5%</b>         |

4. Learned counsel for the claimant-appellants states that the age of the deceased as per the post-mortem report was 30 years, however, the same has been taken as 33 years. 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 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. Chola mandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra*, the learned counsel for respondent No.3-Insurance Company would contend that the age of the deceased has been taken to be 33 years at the time of the accident as per the evidence led by the claimant-appellants themselves i.e. his driving licence (Ex.P2). It is further the contention of the learned counsel that the post-mortem report is to be relied upon for determining the age of the deceased only in the absence of any evidence. Since in the present case, the claimant-appellants themselves had produced on record the driving licence which showed the date of birth of the deceased as 09.04.1985, hence, his age was rightly determined to be 33 years at the time of the accident. It is further the contention 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. In the present case, the argument of the learned counsel for the claimant-appellants that the age of the deceased ought to have been assessed as per the post-mortem report deserves to be rejected. The port-mortem report should be relied upon for determining the age in the absence of any other documents. In the present case, the claimant-appellants themselves had produced on record the driving licence (Ex.P2) as per which the date of birth of the deceased was 09.04.1985 and he was 33 years of age at the time of the accident, hence, his age has rightly been determined by the Tribunal and the same requires no interference. The Tribunal has rightly assessed the income, addition of future prospects, deduction and multiplier and the same are maintained accordingly. However, 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, three children and parents 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                | ₹8,498/-                          |
| 2       | Annual Income                 | ₹1,01,976/- [₹8,498 x 12]         |
| 3       | Future Prospects - 40%        | ₹1,42,766/- [₹1,01,976 + ₹40,790] |
| 4       | Deduction - 1/4 <sup>th</sup> | ₹1,07,074/- [₹1,42,766 - ₹35,692] |
| 5       | Multiplier - 16               | ₹17,13,184/- [₹1,07,074 x 16]     |

|   |                                                                                     |                                                              |
|---|-------------------------------------------------------------------------------------|--------------------------------------------------------------|
| 6 | Loss of estate                                                                      | ₹18,000/-                                                    |
| 7 | Funeral expenses                                                                    | ₹18,000/-                                                    |
| 8 | Loss of consortium<br>Parental [₹48,000/- x 3]<br>Filial [₹48,000/- x 2]<br>Spousal | ₹1,44,000/-<br>₹96,000/-<br>₹48,000/-<br>(Total ₹2,88,000/-) |
|   | <b>Total Compensation</b>                                                           | <b>₹20,37,184/-</b>                                          |

8. 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.

9. 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.

10. 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.

14.11.2025  
Yogesh Sharma

( **ALKA SARIN** )  
**JUDGE**

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