

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****FAO-3432-2019 (O&M)****Date of Decision : 03.09.2025**

Sunita and Ors

... Appellants

Versus

Hanuman and Others

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Raman Chawla, Advocate for the appellants.

Mr. Lalit Garg, Advocate for respondent No.4.

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, Hisar (hereinafter referred to as the 'Tribunal') vide award dated 04.12.2018 on account of death of Raj Kumar (hereinafter referred to as the 'deceased').

2. Vide order dated 05.05.2025, Mr. Aseem Aggarwal, Advocate had accepted notice in the present appeal on behalf of respondent No.4-Insurance Company on the asking of the Court. However, none has put in appearance on behalf of the Insurance Company today. On the asking of the Court, Mr. Lalit Garg, Advocate, who is present in Court, accepts notice on behalf of respondent No.4-Insurance Company.

3 Learned counsels for the parties' state that the present appeal may be disposed off today as the only issue involved in the present case is qua the grant of compensation under the conventional heads as well as under the head

‘loss of consortium’.

4. 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.

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

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹8,498/-
2	Annual income	[₹8,498 x 12] = ₹1,01,976/-
3	Future prospects - 40%	[₹1,01,976 + 40,790] = ₹1,42,766/-
4	Deduction – 1/4 th	[₹1,42,766 – 35,691] = ₹1,07,075/-
5	Multiplier – 16	[₹1,07,075/- x 16] = ₹17,13,200/-
6	Loss of estate	₹15,000/-
7	Funeral expenses	₹15,000/-
8	Loss of consortium	₹40,000/-
	Total Compensation	₹17,83,200/-
	Interest	7.5% per annum

6. Learned counsel for the claimant-appellants states that though he does not challenge the income, deduction, multiplier and the future prospects as assessed 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 as laid down by the Hon’ble Supreme Court in the cases of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**, **N. Jayasree & Ors. vs. Cholanandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]** and **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]**.

7. *Per contra*, learned counsel for the Insurance Company has contended that sufficient amount of compensation has already been granted

and there is no scope for any further enhancement.

8. Heard.

9. Admittedly, the Insurance Company has not filed any appeal in the present case. Since there is no challenge to the income, deduction, multiplier and future prospects as assessed by the Tribunal, the same are maintained. The amount awarded under the conventional heads as well as under the head 'loss of consortium' is not in accordance with law inasmuch as an amount of ₹15,000/- has been awarded towards loss of estate, ₹15,000/- towards funeral expenses and ₹40,000/- towards loss of consortium. 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/- (₹40,000+20% increase) each towards loss of consortium i.e. for parental and spousal.

10. 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	Deduction - 1/4th	₹76,482/- [₹1,01,976 - ₹25,494]
4	Future Prospects - 40%	₹1,07,075/- [₹76,482 + ₹30,593]
5	Multiplier - 16	₹17,13,200/- [₹1,07,075 x 16]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 4] (ii) Spousal	₹1,92,000/- ₹48,000/- (Total ₹2,40,000/-)
	Total Compensation	₹19,89,200/-

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.

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 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 to 5 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.

13. 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.

03.09.2025

jk

(ALKA SARIN)
JUDGE

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