IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

254 **FAO-2781-2021 (O&M)**
Date of Decision : 29.04.2025

Balbir Kaur and Others ....Appellants

VERSUS

Bharat Singh and Others ....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rahul Vats, Advocate for the appellants.

Mr. Abhinav Rawal, Advocate for respondent Nos.1 and 2.

Mr. Deepak Jindal, 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, Fatehabad (hereinafter referred to as the 'Tribunal') vide award dated 02.02.2021 on account of death of Pritam Singh (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	₹10,000/-
2	Annual income	[₹10,000 x 12] = ₹1,20,000/-

3	Deduction – 1/4th	[₹1,20,000 – 30,000] = ₹90,000/-
4	Multiplier – 7	[₹90,000 x 7] = ₹6,30,000/-
5	Loss of Estate	₹15,000/-
6	Funeral expenses	₹15,000/-
7	Loss of consortium	₹40,000/-
	Total compensation	**₹7,00,000/-**
	Interest	**7.5% per annum**

4. Learned counsel for the claimant-appellants would contend that though he does not challenge the deduction and the multiplier as applied by the Tribunal, however, the income of the deceased as assessed by the Tribunal is on the lower side inasmuch as Naresh Kumar Manchanda, Manager, Shiva Protein Products Private Ltd. Unit–II, Village Salempuri, Ratia Road, Tohana, District Fatehabad had stepped into the witness-box as PW3 alongwith the summoned record and had also produced on record the salary slip of the deceased as Ex.P6. As per the salary slip, the deceased was getting a basic salary of ₹19,700/- per month and ₹3,813/- was being paid to him for overtime etc. Learned counsel for the claimant-appellants would further contend that the income of the deceased ought to have been assessed as ₹19,700/-, however, the Tribunal has assessed his income as ₹10,000/-. It is further the contention that the amounts awarded under the conventional heads as well as under the head 'loss of consortium' are 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]**.

5. *Per contra* learned counsel for respondent No.3-Insurance Company would contend that the income of the deceased has rightly been assessed as ₹10,000/- and that there was no record which was produced by the witness in the shape of the attendance register etc. and hence the same was rightly disbelieved.

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 deduction and the multiplier as applied by the Tribunal, the same are accordingly maintained. Naresh Kumar Manchanda, Manager, Shiva Protein Products Private Ltd. Unit–II, Village Salempuri, Ratia Road, Tohana, District Fatehabad had stepped into the witness-box as PW3 and had stated that he brought the summoned record and as per the record the deceased was employed with their company as a Transport Manager. His salary slip was produced on the record as Ex.P6 as per which his basic salary was ₹19,700/- and he was also earning ₹3,813/- as overtime wages etc. The salary slip was stated to be signed by Arun Goyal, Director of the company. Though learned counsel for respondent No.3-Insurance Company has argued that the relevant record i.e. attendance register was not brought by the concerned official of the company, however, a perusal of the cross-examination of PW3 Narseh Kumar reveals that no such suggestion was given to him. Infact, there was no suggestion at all that the summoned record had not been brought by the concerned official of the company or that the relevant record was not available. In the absence of any such suggestion, the argument of learned counsel for respondent No.3-Insuance Company cannot be accepted. Accordingly, as per the salary slip of the deceased, his income is assessed as ₹19,700/- per month. Further, the amounts awarded under the conventional

heads and under the head 'loss of consortium' are 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). In the present case, there are 04 dependents i.e. wife of the deceased and his children and hence they would be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of consortium apart from Rs.18,000/- (Rs.15,000+20% increase) towards loss of estate and Rs.18,000/- (Rs.15,000+20% increase) towards funeral expenses. Since the deceased was 62 years of age at the time of accident, the Tribunal has rightly not made any addition towards future prospects.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹19,700/-
2	Annual Income	₹2,36,400/- [₹19,700 x 12]
3	Deduction - 1/4th	₹1,77,300/- [₹2,36,400 – 59,100]
4	Multiplier - 7	₹12,41,100/- [₹1,77,300 x 7]
5	Loss of estate	₹18,000/-
6	Funeral expenses	₹18,000/-
7	Loss of consortium (i) Parental [₹48,000/- x 3] (ii) Spousal's	 ₹1,44,000/- ₹48,000/- (Total ₹1,92,000/-)
	Total Compensation	**₹14,69,100/-**

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.

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. 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)
29.04.2025 **JUDGE**
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NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO