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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH**

**FAO-1997-2022 (O&M)**

**Date of Decision : 21.08.2025**

BHATERI DEVI AND ORS

.... Appellants

VERSUS

BIR SINGH AND ORS

.... Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Nitish Yadav, Advocate for the appellants.

**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, Rewari (hereinafter referred to as the 'Tribunal') vide award dated 13.01.2022.
2. Notice of motion to respondent No.3-Insurance Company only.
3. On the asking of the Court, Mr. Vinod Gupta, Advocate who is on the panel of New India Assurance Company Limited puts in appearance on behalf of respondent No.3-Insurance Company only for the purpose of completion of service.
4. Since the liability is that of respondent No.3-Insurance Company, the service of the remaining respondents is dispensed with at this stage.
5. Learned counsel for the parties are *ad idem* that the matter may be decided today itself.

6. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal, are not being adverted to herein for the sake of brevity.

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

| <b>Sr. No.</b> | <b>Heads</b>                | <b>Compensation Awarded</b>       |
|----------------|-----------------------------|-----------------------------------|
| 1.             | Monthly income              | ₹15,630                           |
| 2.             | Annual income               | [₹15,630 x 12] = ₹1,87,560        |
| 3.             | Deduction 1/3 <sup>rd</sup> | [₹1,87,560 - ₹62,520] = ₹1,25,040 |
| 4.             | Future prospects 25%        | [₹1,25,040 + ₹31,260] = ₹1,56,300 |
| 5.             | Multiplier of '14'          | [₹1,56,300 x 14] = ₹21,88,200     |
| 6.             | Funeral expenses            | ₹15,000                           |
| 7.             | Loss of estate              | ₹15,000                           |
| 8.             | Loss of consortium          | ₹40,000                           |
| 9.             | Medical bills               | ₹88,387                           |
|                | <b>Total Compensation</b>   | <b>₹23,46,587</b>                 |
|                | <b>Interest</b>             | <b>@ 6% per annum</b>             |

8. Learned counsel for the claimant-appellants would contend that the claimant-appellants do not challenge the income of the deceased as assessed, the deduction of 1/3<sup>rd</sup> as made, the addition of 25% made towards future prospects, the multiplier of 14 as applied and the amount of ₹88,387 as awarded towards medical bills by the Tribunal. Learned counsel, however, contends that the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses and under the head loss of consortium are not in consonance 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. Cholanandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642].**

9. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that sufficient amount had already been awarded as compensation in the present case and that there is no scope of any enhancement.

10. Heard.

11. In the present case, since there is no challenge to the income of the deceased as assessed, the deduction of 1/3<sup>rd</sup> as made, the addition of 25% as made towards future prospects, the multiplier of 14 applied and the amount of ₹88,387 as awarded towards medical bills by the Tribunal, the same are maintained. The amounts awarded under the conventional heads i.e. loss of estate and funeral expenses are not in consonance with 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). Accordingly, 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. There are 3 claimants in the present case, however, loss of consortium has only being given to the extent of ₹40,000. As per the law laid down by the Hon'ble Supreme Court in the case **Magma General Insurance Company Limited** (supra), all the 3 claimants would be entitled to compensation under the head loss of consortium. Appellant No.1 being

widow would be entitled to spousal consortium and appellants No.2 and 3 being the sons would also be entitled to parental consortium.

12. Accordingly, the reworked compensation to which the claimant-appellants is entitled to is as under :

| Sr. No. | Heads                                             | Compensation Awarded                                  |
|---------|---------------------------------------------------|-------------------------------------------------------|
| 1.      | Monthly income                                    | ₹15,630                                               |
| 2.      | Annual income                                     | [₹15,630 x 12] = ₹1,87,560                            |
| 3.      | Deduction 1/3 <sup>rd</sup>                       | [₹1,87,560 - ₹62,520] = ₹1,25,040                     |
| 4.      | Future prospects 25%                              | [₹1,25,040 + ₹31,260] = ₹1,56,300                     |
| 5.      | Multiplier of '14'                                | [₹1,56,300 x 14] = ₹21,88,200                         |
| 6.      | Funeral expenses                                  | ₹18,000                                               |
| 7.      | Loss of estate                                    | ₹18,000                                               |
| 8.      | Loss of consortium<br>(i) Filial<br>(ii) Parental | ₹48,000<br>₹96,000 [₹48,000 x 2]<br>Total = ₹1,44,000 |
| 9.      | Medical bills                                     | ₹88,387                                               |
|         | <b>Total Compensation</b>                         | <b>₹24,56,587</b>                                     |

13. 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. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal.

14. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 AIR (SC) 1713]**, after calculation of the enhanced amount, the same be transferred by respondent No.3-Insurance Company in the bank account(s) of the claimant-appellants within a period of six weeks from today. The particulars of the bank account(s)

along with the requisite documents in support thereof shall be furnished by the claimant-appellants to respondent No.3-Insurance Company within a period of two weeks from today and needful shall be done by respondent No.3-Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

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

**21.08.2025**  
*Aman Jain*

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

*NOTE: Whether speaking/non-speaking: Speaking*  
*Whether reportable: Yes/No*