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

**FAO-1640-2024 (O&M)**
**Date of Decision : 21.11.2025**

Kamruddin @ Kamrudin and Another ... Appellants

Versus

Jilsad and Others ... Respondents

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

Present : Mr. Sukhdev Singh, Advocate for
Mr. Ashish Gupta, Advocate for the appellants.

Mr. Sarthak Mehta, Advocate for
Mr. P.H.S. Pannu, Advocate for respondent No.3.

**ALKA SARIN, J.** **(Oral)**

**CM-6169-CII-2024**

1. This is an application for condonation of delay of 237 days in filing the appeal.

2. For the reasons stated in the application, delay of 237 days in filing the appeal is condoned. CM stands disposed off. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

**FAO-1640-2024 (O&M)**

3. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Nuh (hereinafter referred to as 'Tribunal') vide the impugned award dated 08.05.2023 on account of death of Kutbuddin

(hereinafter referred to as the 'deceased') in a motor vehicle accident which occurred on 06.12.2020.

4. Since the factum of the accident is not in dispute, the facts are not being adverted to 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 | ₹10,000/- |
| 2 | Annual Income | ₹1,20,000/- [₹10,000 x 12] |
| 3 | Deduction - 50% | ₹60,000/- [₹1,20,000 - ₹60,000] |
| 4 | Future Prospects - 40% | ₹84,000/- [₹60,000 + ₹24,000] |
| 5 | Multiplier - 18 | ₹15,12,000/- [₹84,000 x 18] |
| 6 | Loss of estate | ₹15,000/- |
| 7 | Funeral expenses | ₹15,000/- |
| 8 | Loss of consortium | ₹80,000/- |
| | **Total Compensation** | **₹16,22,000/-** |
| | **Interest** | **7%** |

6. Learned counsel for the claimant-appellants states that he does not challenge the deduction, future prospects and multiplier as applied by the Tribunal. He, however, states that the income of the deceased has wrongly been assessed as ₹10,000/- per month inasmuch as the deceased in the present case was a Graduate and his income ought to have been assessed as a skilled worker. Learned counsel for the claimant-appellants would further contend that at the relevant point of time, the minimum wage applicable for a skilled worker was ₹10,949/- per month. It is further the contention 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. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

7. *Per contra*, the learned counsel for respondent No.3-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.

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

9. Admittedly, no appeal has been preferred by the Insurance Company. In the present case, since no challenge has been laid by the learned counsel for the claimant-appellants to the deduction, future prospects and multiplier as applied by the Tribunal, the same are accordingly maintained. Though the Tribunal has assessed the income of the deceased as ₹10,000/- as applicable to a skilled worker, however the minimum wage applicable to a skilled worker at the relevant point of time was ₹10,949/- per month. Hence, the income of the deceased is assessed as ₹10,949/- per month.

10. Further, 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 as also to ₹48,000/- each (₹40,000+20% increase) towards loss of filial consortium. Accordingly, the reworked compensation is as under :

| Sr.No. | Heads | Compensation Awarded |
|---|---|---|
| 1 | Monthly Income | ₹10,949/- |
| 2 | Annual Income | ₹1,31,388/- [₹10,949 x 12] |
| 3 | Deduction - 50% | ₹65,694/- [₹1,31,388 - ₹65,694] |
| 4 | Future Prospects - 40% | ₹91,972/- [₹65,694 + ₹26,278] |
| 5 | Multiplier - 18 | ₹16,55,496/- [₹91,972 x 18] |
| 6 | Loss of estate | ₹18,000/- |
| 7 | Funeral expenses | ₹18,000/- |
| 8 | Loss of consortium<br>(i) Filial [₹48,000/- x 2] | ₹96,000/-<br>(Total ₹96,000/-) |
| | **Total Compensation** | **₹17,87,496/-** |

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. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

12. 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. 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.

21.11.2025 **( ALKA SARIN )**
jk **JUDGE**

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