



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

FAO-2228-2002 (O&M)

Date of decision: 31.10.2025

Gurnam Kaur and others

..Appellants

Versus

Jit Singh and others

..Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr. Dinesh Maurya, Advocate for
Ms. Sonia G Singh, Advocate for the appellants

Mr. Vipul Sharma, Advocate for
Mr. Paul S Saini, Advocate for respondent No.3

MANDEEP PANNU, J.

1. This is claimants' appeal against the award dated 05.05.2001 passed by the Motor Accident Claims Tribunal, Patiala (hereinafter referred to as 'Tribunal') with a prayer to modify the amount of compensation. The Tribunal has awarded compensation of Rs.3,77,000/- on account of death of Labh Singh in a vehicular accident, which took place on 31.12.1998. The claim petition has been filed on behalf of his widow and two children. There is no dispute with regard to the correctness of the findings recorded by the Tribunal regarding death of the deceased in the aforesaid vehicular accident as well as the fact that he died due to rash and negligent driving by Driver of Metador bearing registration plate no. DL-2CB-8602. Hence, the only issue is with regard to quantum of compensation.



2. Since the factum of the accident is not in dispute, therefore, for the sake of brevity, the facts, as recorded by the Tribunal, in the impugned award, are not being reproduced herein.
3. The compensation awarded by the Tribunal is tabulated as under:-

Sr. No.	Heads	Compensation awarded
1.	Monthly Income	4,000/-
2.	Deduction for personal & Living expenses 1/3rd i.e 1333.33 = 1333 4000-1333 = 2667 rounded off to 2600	2600/-
3.	Annual income 2600x12 = 31,200	31,200/-
4.	Multiplier @ 12 31200x12 = 3,74,400	3,74,400/-
5.	Funeral expenses	2600/-
	Total	Rs. 3,77,000/-

4. Learned counsel for the claimants-appellants submits that there is no dispute regarding income assessed as well as deduction on account of personal expenses applied by the Tribunal, however, it has failed to grant future prospects, amount under Heads ‘loss of consortium’ and ‘loss of estate’ and has also not awarded appropriate amount under Head ‘funeral expenses’ and even the multiplier applied is incorrect. He places reliance upon law laid down by the Hon’ble Supreme Court in **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 **Sarla Verma and others vs. Delhi Transport Corporation and another (2009) 6 SCC 121**.



5. Per contra, learned counsel for respondent No. 3 - Insurance Company has vehemently argued that sufficient amount towards compensation has already been awarded by the Tribunal and there is no scope for enhancement.

6. This Court has considered the submissions made by the learned counsel for the parties.

7. Since no challenge has been laid down by the learned counsel for the appellants to the income assessed as well as deduction towards personal expenses applied by the Tribunal, the same are accordingly maintained.

8. However, learned counsel for the appellants/claimants has rightly relied upon the law laid down by the Hon’ble Supreme Court in **Pranay Sethi’s case (supra)** and **Sarla Verma’s case (supra)**, thereby entitling the claimants-appellants to future prospects at rate of 25% considering age of deceased as 50 years (as per post-mortem report Ex.A5). Even the multiplier of 12 applied by Tribunal is incorrect and the same is enhanced to 13. They are also held entitled to Rs.18,000/- each towards loss of estate and funeral expenses as well as Rs.48,000/- each towards loss of consortium.

9. Accordingly, the compensation is re-assessed as under :

Sr.No.	Heads	Compensation awarded
1.	Monthly Income	4000/-
2.	Future prospects @ 25% 4000 x 25% =1000/-	5000 [4000+1000=5000]
3.	Annual income 5000x12 = 60,000/-	60,000/-
4.	Deduction for personal &	40,000/-



	Living expenses @ 1/3rd. 60000/3 = 20,000/-	[60000- 20000=40,000]
6.	Multiplier @ 13 40000x13 = 5,20,000	5,20,000/-
7.	Loss of estate	18,000/-
8.	Funeral expenses	18,000/-
9.	Loss of consortium @ Rs.48,000/- each 48000x3 =1,44,000/-	1,44,000/-
	Total Compensation	Rs.7,00,000/-

10. The claimants-appellants shall be entitled to difference in amount of compensation alongwith interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realization. Rest of the award needs no modification.

11. Accordingly, the appeal stands partly allowed.

12. All the pending miscellaneous applications, if any, are also disposed of.

31.10.2025

rekha

Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No

(MANDEEP PANNU)
JUDGE