



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

FAO-3816-2004 (O&M)

Date of decision: 30.10.2025

Anita Rani Jain and others

..Appellants

Versus

Swaranjit Singh Wadhawan and others

..Respondents

CORAM: HON'BLE MS. JUSTICE MANDEEP PANNU

Present: Mr.Atul Jain, Advocate for the appellants
Ms. Madhu Sharma, Advocate for respondent no.3

MANDEEP PANNU, J.

1. This is claimants' appeal against the award dated 28.07.2004 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.6,53,000/- on account of death of Sh.Bimal Kumar Jain, in a vehicular accident, which took place on 23.01.2002. The claim petition has been filed on behalf of his wife and two sons. 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 had died due to rash and negligent driving by Driver of the Indica Car bearing registration plate no. PB-11-S-2181. 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	9000/-
2.	Deduction for personal & Living expenses @ 1/3rd i.e Rs.3000/- 9000-3000 = 6000	6000/-
3.	Annual income 12 x 6000 = 72,000/-	72,000/-
4.	Multiplier @ 9 72000x9 = 6,48,000/-	6,48,000/-
5.	Funeral expenses	5,000/-
	Total	Rs. 6,53,000/-

4. Learned counsel for the claimants-appellants submits that there is no dispute regarding income assessed as well as deduction towards personal expenses by the Tribunal, however, it has failed to grant future prospects, amount under Heads ‘loss of consortium’ and ‘loss of estate’ and has 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 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 48 years. Even the multiplier of 9 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	9000/-
2.	Future prospects @ 25% 9000x25% = 2250	11,250/- [9000+2250=11250]
3.	Annual income 11250x 12 = 1,35,000/-	1,35,000/-



4.	Annual loss of dependency after deduction for personal & Living expenses @ 1/3rd $135000/3 = 45,000$ i.e $135000-45000=90,000$	90,000/-
5.	Multiplier @ 13 $13 \times 90,000 = 11,70,000$	11,70,000/-
6.	Loss of estate	18,000/-
7.	Funeral expenses	18,000/-
8.	Loss of consortium @ Rs.48,000/- each i.e $48000 \times 3 = 1,44,000/-$	1,44,000/-
	Total Compensation	Rs.13,50,000/-

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.
11. Learned counsel for the appellants/claimants also contends that Tribunal has erred in awarding the compensation with a direction to the respondents to deposit the same in the Nationalized Bank within two months, failing which, they will be liable to pay future interest at the rate of 9% per annum from the date of award till its realization. This Court finds merit in this contention. Hence, it is directed that the amount of the compensation as awarded by the Tribunal shall carry interest at the rate of 9% per annum from the date of filing of the claim petition till its realization. Rest of the award needs no modification. However, as stated above in para no.10, the difference in amount of compensation awarded vide this Court shall carry interest at rate of 7.5% per annum from the date of filing of the claim petition till its realisation.



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- 12. Accordingly, the appeal stands partly allowed.
- 13. All the pending miscellaneous applications, if any, are also disposed of.

30.10.2025

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Whether speaking/reasoned	Yes/No
Whether reportable	Yes/No

(MANDEEP PANNU)
JUDGE