IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

119 **FAO-2922-2022 (O&M)**
Date of Decision : 28.04.2025

MEMUNA AND ORS .... Appellants

VERSUS

DHARAMVEER DHANKA AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. Aseem Aggarwal, Advocate
for respondent No.3.

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 22.10.2021.

2. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,000
2.	Annual income	[₹9,000 x 12] = ₹1,08,000
3.	Deduction @ 50%	[₹1,08,000 - ₹54,000] = ₹54,000
4.	Future prospects @ 40%	[₹54,000 + ₹21,600] = ₹75,600
5.	Multiplier of '18'	[₹75,600 x 18] = ₹13,60,800
6.	Los of love and affection	₹15,000
7.	Transportation and funeral expenses	₹15,000
	Total Compensation	**₹13,90,800**
	Interest	**@ 6% per annum**

4. Learned counsel for the claimant-appellants would contend 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 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*, 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.

6. In the present case the amount awarded under the conventional heads as well as under the head 'loss of consortium' are not in consonance with the judgments of 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.

7. The claimant-appellants, being parents, brothers and sister of the deceased, would also be entitled to compensation of ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium. Since there is no challenge to the income of ₹9,000 per month as assessed, future prospectus @ 40% as added, deduction of 1/2 (50%) as made and multiplier of '18' as applied by the Tribunal, the same are maintained.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,000
2.	Annual income	[₹9,000 x 12] = ₹1,08,000
3.	Deduction @ 50%	[₹1,08,000 - ₹54,000] = ₹54,000
4.	Future prospects @ 40%	[₹54,000 + ₹21,600] = ₹75,600
5.	Multiplier of '18'	[₹75,600 x 18] = ₹13,60,800
6.	Loss of estate	₹18,000
7.	Funeral expenses	₹18,000
8.	Loss of Consortium : (i) Filial	₹48,000 x 7 Total = ₹3,36,000
	Total Compensation	**₹17,32,800**

9. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 6% 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 respondent No.3-Insurance Company in the bank account(s) of the claimant-appellants within a period of six weeks from today. The compensation amount of the minor claimant-appellants shall be kept in a fixed deposit by the Bank concerned. 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.

11. 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.

28.04.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

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