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

FAO-1677-2023 (O&M)

Date of Decision : 19.12.2025

Santokho Devi & Anr

... Appellant(s)

Versus

Bodh Raj Sharma & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. J.S. Mahal, Advocate for the appellants.

ALKA SARIN, J. (Oral)

CM-6223-CII-2023

1. This is an application for condonation of delay of 529 days in refiling the appeal.
2. Notice of the application to respondent No.3-Insurance Company only.
3. Mr. Imran Ahmad Ali, Advocate accepts notice on behalf of respondent No.3-Insurance Company and states that he has no objection if the present application is allowed.
4. In view of the above and for the reasons stated in the application, the same is allowed and the delay of 529 days in refiling the appeal is condoned.

CM-6224-CII-2023

5. For the reasons mentioned therein, the application seeking condonation of delay of 19 days in filing the appeal is allowed and the delay of 19 days in filing the appeal is condoned.

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6. Notice of motion to respondent No.3-Insurance Company only.
7. Mr. Imran Ahmad Ali, Advocate accepts notice on behalf of respondent No.3-Insurance Company and waives service. He states that he has no objection if the present appeal is disposed off today itself.
8. In view thereof, the present appeal is taken up today itself for hearing.
9. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Gurdaspur (hereinafter referred to as ‘Tribunal’) vide the impugned award dated 14.11.2019 in a motor vehicle accident which occurred on 26.02.2019.
10. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.
11. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹6,000/-
2	Future Prospects - 40%	₹8,400/- [₹6,000 + ₹2,400]
3	Deduction - 50%	₹4,200/- [₹8,400 - ₹4,200]
4	Annual Income	₹50,400/- [₹4,200 x 12]
5	Multiplier - 18	₹9,07,200/- [₹50,400 x 18]
6	Loss of estate	₹15,000/-
7	Funeral expenses	₹15,000/-
9	Loss of consortium	₹80,000/-
	Total Compensation	₹10,17,200/-
	Interest	6%

12. Learned counsel for the claimant-appellants would contend that he does not challenge the deduction, addition of future prospects and

multiplier as applied by the Tribunal. He, however, states that the income of the deceased as assessed by the Tribunal i.e. ₹6,000/- per month is on the lower side inasmuch as the minimum wage applicable for an unskilled worker prevailing at the time of the accident was ₹8,077/- per month. It is further the contention of the learned counsel 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]**.

13. *Per contra*, learned counsel for the 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.

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

15. 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 addition of future prospects, deduction and multiplier as applied by the Tribunal, the same are maintained accordingly. The Tribunal has assessed the income of the deceased as ₹6,000/- per month which in the opinion of this Court is on the lower side inasmuch as the minimum wage applicable for an unskilled worker at the time of the accident was ₹8,077/- per month. Hence, the income of the deceased is assessed as ₹8,077/- per month. 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 and the claimants (parents of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr.No.	Heads	Compensation Awarded
1	Monthly Income	₹8,077/-
2	Annual Income	₹96,924/- [₹8,077 x 12]
3	Deduction - 50%	₹48,462/- [₹96,924 - ₹48,462]
4	Future Prospects - 40%	₹67,847/- [₹48,462 + ₹19,385]
5	Multiplier - 18	₹12,21,246/- [₹67,847 x 18]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (ii) Filial [₹48,000/- x 2]	₹96,000/-
	Total Compensation	₹13,53,246/-

16. 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.

17. 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 direction of the Tribunal. The particulars of the bank account(s) alongwith the

requisite documents(s) in support thereof shall be furnished by the claimants 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.

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

19.12.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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