IN THE HIGH COURT OF PUNJAB AND HA RYANA AT CHANDIGARH

223 **FAO-2881-2008 (O&M)**
Date of Decision : 01.05.2025

Ajmer Kaur and Others ....Appellants

VERSUS

Gajbir Singh and Others ....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jashan Chopra, Advocate
Legal Aid Counsel for the appellants.

Mr. Akshit Pathania, Advocate for
Mr. Vivek K. Thakur, Advocate for respondent No.2.

Mr. Neeraj Khanna, Advocate for
Mr. R.N. Singal, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Ferozepur (hereinafter referred to as the 'Tribunal') vide award dated 03.12.2007 on account of death of Bhagwan Singh (hereinafter referred to as the 'deceased').

2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced 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	₹6,000/-
2	Annual income	[₹6,000 x 12] = ₹72,000/-
3	Deduction – 1/3rd	[₹72,000 – 24,000] = ₹48,000/-
4	Compensation after applying the multiplier of 16	₹6,68,000/-
5	Funeral expenses	₹32,000/-
	Total compensation	**₹7,00,000/-**
	Interest	**10% per annum**

4. Learned counsel for the claimant-appellants would contend that though he does not challenge the income of the deceased as assessed by the Tribunal, however, the multiplier has wrongly been applied by the Tribunal as ‘16’ inasmuch as the deceased was 30 years of age and hence a multiplier of ‘17’ would be applicable in the present case. Learned counsel for the claimant-appellants would further contend that there are 05 dependents in the present case and the Tribunal has applied a deduction of 1/3rd, which ought to have been 1/4th. It is further the contention that the Tribunal has also not made any addition towards loss of future prospects, which ought to have been 40%. It has further been contended that the amount awarded under the conventional heads is also not in accordance with the law and that no amount has been awarded under the head ‘loss of consortium’. In support of his contentions, he has relied upon the judgments of the Hon’ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121], 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* learned counsel for respondent No.3-Insurance Company would contend that sufficient amount has already been awarded and there is no scope of any enhancement.

6. Heard.

7. In the present case, no appeal has been filed by respondent No.3-Insurance Company. Since there is no challenge to the income of the deceased as assessed by the Tribunal, the same is accordingly maintained. The Tribunal has applied a deduction of 1/3rd. Since there are five dependents, hence as per the law laid down by Hon'ble Supreme Court in case of **Pranay Sethi** *(supra)* a deduction of 1/4th would be applicable in the present case. Admittedly, the deceased was 30 years of age at the time of accident. The Tribunal has applied a multiplier of '16' and hence, as per the law laid down by Hon'ble Supreme Court in case of **Sarla Verma** *(supra),* a multiplier of '17' would be applicable. Further, the Tribunal has not made any addition towards loss of future prospects. Keeping in view the age of the deceased, an addition of 40% would be made towards loss of future prospects as per the law laid down by Hon'ble Supreme Court in case of **Pranay Sethi** *(supra)*. Further, the amount awarded under the conventional heads is also not in accordance with the law inasmuch as an amount of ₹32,000/- has been awarded towards funeral expenses and no amount has been awarded under the head 'loss of consortium' and hence, 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), the claimant-appellants would be entitled to Rs.18,000/- (Rs.15,000+20% increase) towards loss of estate and Rs.18,000/- (Rs.15,000+20% increase) towards funeral expenses. The claimant-appellants would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of consortium.

8. Accordingly, the reworked compensation is as under :

Sr.No.	Heads	Compensation Awarded	
1	Monthly Income	₹6,000/-	
2	Annual Income	₹72,000/-	[₹6,000 x 12]
3	Deduction - 1/4th	₹54,000/-	[₹72,000 – 18,000]
4	Future Prospects - 40%	₹75,600/-	[₹54,000 + 21,600]
5	Multiplier - 17	₹12,85,200/-	[₹75,600 x 17]
6	Loss of estate	₹18,000/-	
7	Funeral expenses	₹18,000/-	
8	Loss of consortium (i) Parental [₹48,000/- x 3] (ii) Filial [₹48,000/- x 1] (iii) Spousal's	 ₹1,44,000/- ₹48,000/- ₹48,000/- (Total ₹2,40,000/-)	
	Total Compensation	**₹15,61,200/-**	

9. 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.

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 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 and the share of the minor claimant, if any, shall be kept in fixed deposits by the Bank concerned. 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.

11. 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.

(ALKA SARIN)
01.05.2025 **JUDGE**
jk

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