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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-5100-2019 (O&M)
Date of Decision : 10.09.2025

NEELAM GUPTA AND ORS .... Appellants

VERSUS

NARENDER @ MODI AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Balkar Singh, Advocate for the appellants.

Mr. P.S. Bedi, 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, Sonepat (hereinafter referred to as the 'Tribunal') vide award dated 11.03.2019.

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 had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹8,500
2.	Annual income	[₹8,500 x 12] = ₹1,02,000
3.	Deduction 50%	[₹1,02,000 - ₹51,000] = ₹51,000
4.	Future prospects 40%	[₹51,000 + ₹20,400] = ₹71,400
5.	Multiplier of '18'	[₹71,400 x 18] = ₹12,85,200
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
	Total Compensation	**₹13,15,200**
	Interest	**@ 7.5% per annum**

4. Learned counsel for the claimant-appellants would contend that though the claimant-appellants do not challenge the income of the deceased as assessed, the addition made towards future prospects and the multiplier as applied by the Tribunal, however, learned counsel states that deduction has erroneously been made @ 50% which ought to have been 1/4th keeping in view the number of dependents on the income of the deceased. It is further the contention of the learned counsel that the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses are not in consonance 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]** and that no amount has been awarded under the head loss of consortium. It is still further the contention of the learned counsel that the interest awarded @ 7.5% is on the lower side.

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

6. Heard.

7. In the present case since there is no challenge to the income of the deceased as assessed, the addition made towards future prospects and the multiplier as applied by the Tribunal, the same are maintained. The argument

of the learned counsel for the claimant-appellants that the deduction ought to have been 1/4th deserves to be rejected on the ground that the deceased was a Bachelor. There is no evidence on the record to even remotely suggest that the mother (who was 50 years of age) or the other siblings (who were all major) were fully dependent on the income of the deceased. Accordingly, the deduction @ 50% as made by the Tribunal is upheld.

8. The second argument of the learned counsel for the claimant-appellants that the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses and under the head loss of consortium are not in consonance with the law laid down by the Hon'ble Supreme Court deserves to be accepted. 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 ₹18,000 (₹15,000 + 20% increase) towards loss of estate and ₹18,000 (₹15,000 + 20% increase) towards funeral expenses. The claimant-appellants, being the mother and siblings of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium. The interest as awarded by the Tribunal is @ 7.5% which calls for no interference. Hence, the argument of the learned counsel for the claimant-appellants stands rejected qua the interest.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹8,500
2.	Annual income	[₹8,500 x 12] = ₹1,02,000
3.	Deduction 50%	[₹1,02,000 - ₹51,000] = ₹51,000
4.	Future prospects 40%	[₹51,000 + ₹20,400] = ₹71,400
5.	Multiplier of '18'	[₹71,400 x 18] = ₹12,85,200
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Filial	 [₹48,000 x 4] = ₹1,92,000
	Total Compensation	**₹15,13,200**

10. 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. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal

11. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 SC 1713]**, 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 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.

12. 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.

10.09.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

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