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

FAO-5396-2019(O&M)

Date of Decision : 28.08.2025

JASMEET KAUR AND ANR

... Appellants

VERSUS

GURJINDER SINGH AND ANR

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Anureet S. Sidhu, Advocate for the appellants.

Mr. Vinod Gupta, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

CM-17927-CII-2019

1. This is an application for condonation of delay of 41 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 41 days in filing the main appeal is condoned.

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3. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Patiala (hereinafter referred to as the 'Tribunal') vide award dated 13.03.2019.

4. Notice of motion to respondent No.2-Insurance Company only.

5. On the asking of the Court, Mr. Vinod Gupta, Advocate, who is on the panel of Oriental Insurance Company Limited, puts in appearance on behalf of respondent No.2-Insurance Company.

6. Learned counsel for the parties are *ad idem* that the matter may be decided today itself as the only question involved in the present case is qua the compensation awarded under the conventional heads and under the head 'loss of consortium'.

7. 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.

8. 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 1/3 rd	[₹72,000 - ₹24,000] = ₹48,000
4.	Multiplier of '5'	[₹48,000 x 5] = ₹2,40,000
5.	Funeral expenses	₹15,000
6.	Loss of estate	₹15,000
7.	Loss of consortium	₹40,000
	Total Compensation	₹3,10,000
	Interest	@ 6% per annum

9. Learned counsel for the claimant-appellants would contend that the claimant-appellants do not challenge the income of the deceased @ ₹6,000 as assessed, the deduction of 1/3rd as made and the multiplier of 5 as applied by the Tribunal. Learned counsel however contends 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. Chola mandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**. It is further the contention of the learned counsel that compensation under the head loss of consortium has only been awarded to the widow and not to the son.

10. *Per contra*, the learned counsel for respondent No.2-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.

11. Heard.

12. In the present case, admittedly, no appeal has been preferred by respondent No.2-Insurance Company. Since there is no challenge to the income of the deceased as assessed, the deduction of 1/3rd as made and the multiplier of 5 as applied by the Tribunal, the same are maintained. 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 **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. There were two claimants i.e. the widow and the

son. However, loss of consortium has only being given to the extent of ₹40,000. As per the law laid down by the Hon'ble Supreme Court in the case **Magma General Insurance Company Limited** (supra), both the claimants would be entitled to compensation under the head loss of consortium. Appellant No.1 being widow would be entitled to spousal consortium and appellant No.2 being the son would also be entitled to parental consortium of ₹48,000 each.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹6,000
2.	Annual income	[₹6,000 x 12] = ₹72,000
3.	Deduction 1/3 rd	[₹72,000 - ₹24,000] = ₹48,000
4.	Multiplier of '5'	[₹48,000 x 5] = ₹2,40,000
5.	Funeral expenses	₹18,000
6.	Loss of estate	₹18,000
7.	Loss of consortium (i) Parental (ii) Spousal's	₹48,000 ₹48,000 Total = ₹96,000
	Total Compensation	₹3,72,000

14. 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.

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

calculation of the enhanced amount, the same be transferred by respondent No.2-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.2-Insurance company within a period of two weeks from today and needful shall be done by respondent No.2-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.

16. 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.

28.08.2025
Aman Jain

(ALKA SARIN)
JUDGE

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