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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4425-2023 (O&M)
Date of Decision: 01.09.2025

SUNITA DEVI AND ORS .... Appellants

VERSUS

SURESH CHANDRA GURJAR & ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Bhumika Khatri, Advocate for
Mr. Ram Darshan Yadav, Advocate
for the appellants.

Mr. Vinod Gupta, Advocate
for respondent No.4.

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, Gurugram (hereinafter referred to as the 'Tribunal') vide award dated 08.05.2023.

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	₹11,000
2.	Annual income	[₹11,000 x 12] = ₹1,32,000
3.	Deduction 1/2	[₹1,32,000 - ₹66,000] = ₹66,000
4.	Future prospects 40%	[₹66,000 + ₹26,400] = ₹92,400
5.	Multiplier of 18	[₹92,400 x 18] = ₹16,63,200
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
	Total Compensation	**₹16,93,200**
	Interest	**@ 7% per annum**

4. Learned counsel appearing on behalf of the claimant-appellants would contend that the deduction has wrongly been applied and that the amounts awarded under the conventional heads are on the lower side. It is further the contention that no amount has been awarded under the head loss of consortium. In support of her contentions the learned counsel appearing on behalf of the claimant-appellants has relied upon the judgments of 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.4-Insurance Company would contend that the deduction @ 1/2 has rightly been applied since the deceased was a bachelor in the present case. Learned counsel has further 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 the deceased admittedly was a bachelor hence deduction @ 1/2 would have to be applied as per the law laid down by the Hon'ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]** and **Pranay Sethi** (supra). The argument of the learned counsel for the claimant-appellants hence stands rejected. The argument of the learned counsel appearing on behalf of the claimant-appellants that the amounts awarded under the conventional heads are on the lower side and no amount has been awarded under the head loss of consortium deserves to be accepted. 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 parents and sister of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium. Since the income assessed, the multiplier applied and the addition made towards future prospects are not challenged, the same are maintained.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹11,000
2.	Annual income	[₹11,000 x 12] = ₹1,32,000
3.	Deduction 1/2	[₹1,32,000 - ₹66,000] = ₹66,000
4.	Future prospects 40%	[₹66,000 + ₹26,400] = ₹92,400
5.	Multiplier of 18	[₹92,400 x 18] = ₹16,63,200
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Filial	[₹48,000 x 3] = ₹1,44,000
	Total Compensation	**₹18,43,200**

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

10. 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.4-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.4-Insurance company within a period of two weeks from today and needful shall be done by respondent No.4-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.

01.09.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

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