2025:PHHC:157358

315

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4087-2022 (O&M)
Date of Decision : 13.11.2025

AFSARI AND ORS. .... Appellants

VERSUS

MUBARIK AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Digvijay, Advocate for
Mr. Ashish Gupta, Advocate for the appellants.

Mr. G.S. Sarao, Advocate for
Mr. Vishal Aggarwal, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. As per the report of the Mediator, the mediation was a non-starter.

2. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Nuh (hereinafter referred to as the 'Tribunal') vide award dated 05.05.2022.

3. 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.

4. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,000
2.	Annual income	[₹9,000 x 12] = ₹1,08,000
3.	Deduction 1/5th	[₹1,08,000 - ₹21,600] = ₹86,400
4.	Future prospects @ 40%	[₹86,400 + ₹34,560] = ₹1,20,960
5.	Multiplier of 15	[₹1,20,960 x 15] = ₹18,14,400
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
8.	Loss of consortium	₹40,000
	Total Compensation	**₹18,84,400** **(rounded of to ₹18,85,000)**
	Interest	**@ 7% per annum**

5. Learned counsel appearing on behalf of the claimant-appellants would contend that though the claimant-appellants do not challenge the income as assessed, the deduction, the addition made towards future prospects and the multiplier as applied by the Tribunal, however, the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses and under the head loss of consortium are on the lower side. In support of his contentions, the learned counsel for the claimant-appellants has relied upon 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]**.

6. *Per contra*, the 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.

7. Heard.

8. In the present case, since there is no challenge to the income as assessed, the deduction, the addition made towards future prospects and the multiplier as applied by the Tribunal, the same are accordingly maintained. 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. 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 widow, the children and the mother of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

9. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,000
2.	Annual income	[₹9,000 x 12] = ₹1,08,000
3.	Deduction 1/5th	[₹1,08,000 - ₹21,600] = ₹86,400
4.	Future prospects @ 40%	[₹86,400 + ₹34,560] = ₹1,20,960
5.	Multiplier of 15	[₹1,20,960 x 15] = ₹18,14,400
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Spousal (ii) Parental (iii) Filial	 ₹48,000 [₹48,000 x 6] = ₹2,88,000 ₹48,000 Total = ₹3,84,000
	Total Compensation	**₹22,34,400**

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 accounts of the claimant-appellants within a period of six weeks from today. The share of the minor claimant-appellants shall be kept in an FDR with a nationalized bank fetching maximum rate of interest. The particulars of the bank accounts 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.

13.11.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

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