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IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-5167-2010 (O&M)
Date of decision : 13.11.2025

Asha and others ...Appellants

Versus

Suresh Kumar and others ...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Ms. Deepika, Advocate,
for Mr. Sandeep Kumar Yadav, Advocate,
for the appellants.

Mr. Abhinav Singla, Advocate,
for respondent No.3-Insurance Company.

HARPREET KAUR JEEWAN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellants aggrieved against the quantum of compensation awarded by the Motor Accident Claims Tribunal, Narnaul *(hereinafter referred to as the 'Tribunal')* vide award dated 14.12.2009.

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 reproduced herein for the sake of brevity.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	Rs.2,500/-
2.	Deduction 1/4th	[Rs.2,500/- – Rs.625/-] = Rs.1,875/-
3.	Annual income	[Rs.1,875 X 12] = Rs.22,500/-
4.	Multiplier of '17'	[Rs.22,500/- x 17] = Rs.3,82,500/-
5.	Loss of dependency	Rs.3,82,500/-
6.	Loss of Estate	Rs.5,000/-
7.	Funeral Expenses	Rs.5,000/-
8.	Loss of consortium (widow)	Rs.10,000/-

	Total Compensation	**Rs.4,02,500/-**
	Interest @ 6% per annum	

4. Learned counsel for the claimant-appellants contends that the Tribunal has erred in not adding future prospects while determining the loss of dependency of the claimants. It is further contended that appropriate compensation under the conventional heads has also not been granted, i.e. loss of estate, funeral expenses and loss of consortium. Cites ***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. On the other hand, learned counsel appearing on behalf of respondent No.3-Insurance Company submitted that income of the deceased has been rightly assessed on the basis of minimum wages applicable as on the date of the accident and even the multiplier has been rightly chosen by the Tribunal.

6. I have considered the aforesaid submissions and perused the paper-book.

7. The Hon'ble Supreme Court in a catena of judgments has laid down that future prospects are to be added while determining loss of dependency, based on the age and avocation of the victims. These rules not only apply to self-employed individuals or those on fixed salaries, but even the non-earning victims like homemakers. In fact, "future prospects" refer to the anticipated increase in an injured person's or deceased's income over time. However, the Tribunal erred

in not adding future prospects of the deceased while granting compensation to the claimants. As such, the deceased being less than 40 years of age at the time of his death in the accident, future prospects are determined @ 40%.

8. The Tribunal has awarded an amount of Rs.10,000/- towards loss of consortium to the appellant-Asha, widow of the deceased, which appears to be inadequate. As such, appellant-Asha is awarded Rs.40,000/- for loss of consortium. The remaining appellants being minor son, minor daughter and parents of the deceased, respectively, have also not been granted any amount under this head. It is well settled that even the children and parents of the deceased are entitled to loss of filial and parental consortium, respectively. As such, the claimant-appellant Nos.2 to 5 are held entitled to a sum of Rs.1,60,000/- (Rs.40,000/- X 4) towards loss of consortium (filial and parental). The compensation under the heads of loss of estate and funeral expenses is also enhanced from Rs.5,000/- to Rs.15,000/- each.

9. Accordingly, the reworked compensation is as under:-

Sr. No.	**Heads**	**Compensation Awarded**
1.	Monthly income	Rs.2,500/-
2.	Future prospects @ 40%	[Rs.2,500/- + Rs.1,000/-] = Rs.3,500/-
3.	Deduction 1/4th	[Rs.3,500/- – Rs.875/-] = Rs.2,625/-
4.	Annual income	[Rs.2,625 X 12] = Rs.31,500/-
5.	Multiplier of '17'	[Rs.31,500/- x 17] = Rs.5,35,500/-
6.	Loss of dependency	Rs.5,35,500/-
7.	Loss of Estate	Rs.15,000/-
8.	Funeral Expenses	Rs.15,000/-
9.	Loss of consortium	[Rs.40,000/- x 5] = 2,00,000/-
	Total Compensation	**Rs.7,65,500/-**
	Interest @ 7.5% per annum	

10. The amount in excess of the amount awarded by the Tribunal shall attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount.

11. In view of the decision by the Hon'ble Supreme Court in ***Parminder Singh vs. Honey Goyal & Ors., 2025 INSC 361,*** after calculation of the enhanced amount, the same shall be transferred by respondent No.3-Insurance Company in the Bank Accounts of the claimant-appellants within a period of six (06) 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 (02) 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 partly allowed and the award passed by the Tribunal is modified accordingly.

13. Pending application(s), if any, shall also stand disposed of.

13.11.2025 [HARPREET KAUR JEEWAN]
atulsethi JUDGE

Whether speaking / reasoned :	Yes	No
Whether Reportable :	Yes	No