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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6280-2010 (O&M)

Date of Decision : 28.10.2025

Rekha Devi

... Appellant

Versus

Ved Parkash and Others

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Amit Singla, Advocate for the appellant.

Mr. R.C. Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)**CM-27738-CII-2010**

1. For the reasons stated in the application, delay of 996 days in filing the appeal is condoned. CM stands disposed off. However, the claimant shall not be entitled to any interest for the period of delay in filing the appeal.

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2. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Hisar (hereinafter referred to as 'Tribunal') vide the impugned award dated 13.08.2007 on account of death of Kuldeep Singh (hereinafter referred to as the 'deceased') in a motor vehicle accident which occurred on 15.11.2004.

3. Since the factum of the accident is not in dispute, the facts are not being adverted to 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	₹8,700/-
2	Deduction – 1/3 rd	[₹8,700 – 2,900] = ₹5,800/-
3	Annual income	[₹5,800 x 12] = ₹69,600/-
4	Multiplier of 11	[₹69,600 x 11] = ₹7,65,600/-
5	Funeral expenses	₹9,400/-
6	Medical expenses	₹20,000/-
	Total Compensation	₹7,95,000/-
	Interest	9% per annum

5. Learned counsel for the claimant-appellant states that he does not challenge the income of the deceased. He, however, states that there are six claimants in the present case and a deduction of 1/3rd has been applied which ought to have been 1/4th. Learned counsel for the claimant-appellant has further contended that the age of the deceased was 42 years, hence, a multiplier of ‘14’ should have been applied instead of ‘11’. Learned counsel for the claimant-appellant has further contended that the Tribunal has not made any addition towards loss of future prospects. The deceased was in a Government job and was working as EHC in Haryana Police and keeping in view his age being 42 years, an addition of 50% would be applicable. It is further the contention that compensation awarded under the conventional heads is not in consonance with the law laid down by Hon’ble Supreme Court and that the Tribunal has not awarded any compensation under the head ‘loss of consortium’. In support of his contentions, he has relied upon the judgments of the Hon’ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]**, **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. Cholanmandalam 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. I have heard the learned counsel for the parties.

8. Admittedly, no appeal has been preferred by the Insurance Company. In the present case, since no challenge has been laid by the learned counsel for the claimant-appellant to the income of the deceased as assessed by the Tribunal, the same is accordingly maintained. In the present case, the number of claimants is six, hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), a deduction of 1/4th would be applicable instead of 1/3rd. Further, since the deceased was admittedly 42 years of age at the time of accident, a multiplier of '14' would be applicable instead of '11' as per the law laid down by Hon'ble Supreme Court in case of **Sarla Verma** (supra). The Tribunal has not made any addition towards loss of future prospects. Since the deceased in the present case was in Government Service in the State of Haryana and was 42 years of age, an addition of 50% would be applicable as per the law laid down by Hon'ble Supreme Court in case of **Pranay Sethi** (supra).

9. Further, the compensation awarded under the conventional heads are not in consonance with the law laid down by Hon'ble Supreme Court and the Tribunal has also not awarded any compensation under the head 'loss of consortium'. 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), claimants i.e. appellant and proforma respondent Nos.4 to 8 would be entitled to ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses as also to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. The amount of ₹20,000/- awarded by the Tribunal towards medical expenses is maintained. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹8,700/-
2	Annual Income	₹1,04,400/- [₹8,700 x 12]
3	Deduction - 1/4th	₹78,300/- [₹1,04,400 - ₹26,100]
4	Future Prospects - 50%	₹1,17,450/- [₹78,300 + ₹39,150]
5	Multiplier - 14	₹16,44,300/- [₹1,17,450 x 14]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 3] (ii) Filial [₹48,000/- x 2] (iii) Spousal's	₹1,44,000/- ₹96,000/- ₹48,000/- (Total ₹2,88,000/-)
9	Medical expenses	₹20,000/-
	Total Compensation	₹19,88,300/-

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. However, the claimants i.e. appellant and proforma respondent Nos.4 to 8 shall not be entitled to any interest for the period of delay in filing the appeal.
11. In view of the decision by the Hon’ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC**

OnLine SC 567], after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimants i.e. appellant and proforma respondent Nos.4 to 8 within six weeks from today and the apportionment thereof shall be as per the percentage directed by the Tribunal. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimants (appellant and proforma respondent Nos.4 to 8) to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

12. In view of the above discussion, the award passed by the Tribunal is modified and the present appeal stands allowed accordingly. Pending applications, if any, also stand disposed off.

28.10.2025
jk

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO