



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

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FAO-3364-2008 (O&M)

Date of Decision : 02.04.2025

KRISHNA KHURANA AND ANR.

.... Appellants

VERSUS

RAJIV VISHIST AND ORS.

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. R.S. Mamli, Advocate for the appellants.

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

ALKA SARIN, J. (ORAL)

CM-5649-CIL-2025

1. This is an application for fixing an actual date of hearing in the main appeal, which pertains to the year 2008.
2. Notice of the application.
3. Mr. R.C. Kapoor, Advocate accepts notice on behalf of respondent No.3-Insurance Company and states that he has no objection if the present application is allowed.
4. In view thereof, the present application is allowed. With the consent of learned counsel for the parties, the main appeal is taken on Board today itself.

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5. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor

Accident Claims Tribunal, Chandigarh (hereinafter referred to as ‘the Tribunal’) vide award dated 02.01.2008.

6. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹20,927
2.	Deduction 1/3 rd	[₹20,927 - ₹6,976] = ₹13,951
3.	Annual income/dependency	[₹13,951 x 12] = ₹1,67,412
4.	Multiplier of ‘4’	[₹1,67,412 x 4] = ₹6,69,618
5.	Funeral expenses	₹5,000
6.	Love and affection	₹10,000
7.	Total Compensation	₹6,84,618
	Interest	@ 7.05% per annum

8. Learned counsel for the claimant-appellants does not lay any challenge to the income of ₹20,927 as assessed and deduction of 1/3rd as made by the Tribunal. Learned counsel, however, states that no addition had been made towards future prospects and that a wrong multiplier of ‘4’ had been applied which ought to have been ‘11’ inasmuch as the age of the deceased was 53 years at the time of the accident. It is further the contention that a consolidated amount of ₹15,000 had been awarded under the conventional heads, which is on the lower side, and that no amount had been awarded towards loss of consortium. In support of his contentions, the learned counsel for the claimant-appellants 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. Chola mandalam M.S General Insurance Company Ltd.** [2021(4) RCR (Civil) 642].

9. *Per contra*, the learned counsel for respondent No.3-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.

10. Heard.

11. In the present case there is no challenge to the income of ₹20,927 as assessed and deduction of 1/3rd as made by the Tribunal and accordingly, the same are maintained. No addition had been made towards future prospects and hence as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 15% addition is made towards future prospects. Further, a multiplier of '4' had wrongly been applied by the Tribunal and hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), a multiplier of '11' would be applicable keeping in view the age of the deceased being 53 years at the time of the accident.

12. The amount awarded under the conventional heads is on the lower side and no amount had been awarded under the head 'loss of consortium'. 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 widow and son of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

13. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹20,927
2	Deduction 1/3 rd	[₹20,927 - ₹6,976] = ₹13,951
3	Annual income/dependency	[₹13,951 x 12] = ₹1,67,412
4.	Future prospects @15%	[₹1,67,412 + ₹25,112] = ₹1,92,524
5	Multiplier '11'	[₹1,92,524 x 11] = ₹21,17,764
6	Loss of estate	₹18,000
7	Funeral expenses	₹18,000
8	Loss of Consortium : (i) Parental (ii) Spousal's	₹48,000 ₹48,000 [Total ₹96,000]
	Total Compensation	₹22,49,764

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 INSC 361]**, Civil Appeal No.4299 of 2025 arising out of SLP (C) No.4484 of 2020 decided

on 18.03.2025], after calculation of the enhanced amount, the same be transferred by respondent No.3-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 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.

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.

02.04.2025
Aman Jain

(ALKA SARIN)
JUDGE

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