

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****FAO-1153-2016 (O&M)****Date of Decision : 05.08.2025**

Bhateri and Others

....Appellants

VERSUS

Sandeep and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

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

Service of respondent Nos.1 and 2 dispensed with
vide order dated 25.07.2023.

Mr. Paul S. Saini, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)**CM-3500-CII-2016**

1. For the reasons stated in the application, the same is allowed.
The delay of 161 days in filing the present appeal is condoned.

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2. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Fatehabad (hereinafter referred to as the 'Tribunal') vide award dated 12.05.2015 on account of death of Subhash (hereinafter referred to as the 'deceased').

3. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced 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	₹6,000/-
2	Future prospects – 40%	[₹6000 + 2400] = ₹8,400/-
3	Deduction – 1/3 rd	[₹8,400 – 2,800] = ₹5,600/-
4	Annual income after applying the multiplier of 17	[₹5,600 x 12 x 17] = ₹11,42,400/-
5	Loss of consortium	₹1,00,000/-
6	Funeral expenses & last rites and transportation	₹10,000/-
	Total compensation	₹12,52,400/-
	Interest	7.5% per annum

5. Learned counsel for the claimant-appellants would contend that though she does not challenge the income of the deceased, future prospects, deduction and the multiplier as assessed by the Tribunal however, the amounts awarded under the conventional heads as well as under the head ‘loss of consortium’ are not in accordance with the law. In support of her contentions, she 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].

6. *Per contra* learned counsel for respondent No.3-Insurance Company would contend that sufficient amount has already been awarded and there is no scope of any enhancement.

7. Heard.

8. In the present case, no appeal has been filed by respondent No.3-Insurance Company. Since there is no challenge to the income of the deceased, future prospects, deduction and the multiplier as assessed by the Tribunal, the same are accordingly maintained. The amounts awarded under the conventional heads as well as under the head 'loss of consortium' are not in accordance with the law inasmuch as an amount of ₹10,000/- has been awarded towards funeral expenses and transportation charges and an amount of ₹1,00,000/- towards 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), 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 would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. The amount of ₹10,000/- awarded by the Tribunal towards transportation charges is maintained.

9. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹6,000/-
2	Annual Income	₹72,000/- [₹6,000 x 12]

3	Deduction - 1/3rd	₹48,000/- [₹72,000 – 24,000]
4	Future Prospects - 40%	₹67,200/- [₹48,000 + 19,200]
5	Multiplier - 17	₹11,42,400/- [₹67,200 x 17]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 2] (ii) Spousal's	₹96,000/- ₹48,000/- (Total ₹1,44,000/-)
9	Transportation charges as awarded by the Tribunal	₹10,000/-
	Total Compensation	₹13,32,400/-

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.

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 the Insurance Company in the bank account(s) of the claimants within six weeks from today and the apportionment thereof shall be as per the percentage directed by the Tribunal and the share of the minor claimants (appellant Nos.2 and 3 herein) shall be kept in fixed deposits by the Bank concerned. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimant-appellants 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.

05.08.2025
jk

(ALKA SARIN)
JUDGE

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