



IN THE HIGH CO URT OF PUNJAB AND HARYANA AT CHANDIGARH

251

FAO-1759-2016 (O&M)
Date of Decision : 15.01.2025

Manjit Kaur and OthersAppellants

VERSUS

Apinder Singh and AnotherRespondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Neeraj Khanna, Advocate for the appellants.

Mr. Amar Jeet, Advocate for
Ms. Aarushi Garg, Advocate for respondent No.1.

Ms. Alisha Arora, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Rupnagar (hereinafter referred to as the ‘Tribunal’) vide award dated 16.11.2015 on account of death of Mangat Ram (hereinafter referred to as the ‘deceased’).
2. 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.
3. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹8,000/-
2	Future prospects @ 30%	[₹8,000+2,400] = ₹10,400/-

3	Annual income	[₹10,400 x 12] = ₹1,24,800/-
4	Deduction 1/4 th	[₹1,24,800 – 31,200] = ₹93,600/-
5	Multiplier of 14	[₹93,600 x 14] = ₹13,10,400/-
6	Loss of consortium	₹1,00,000/-
7	Funeral expenses	₹10,000/-
8	Transportation	₹5,000/-
	Total Compensation	₹14,25,400/-
	Interest	8% per annum

4. Learned counsel for the claimant-appellants would contend that the amounts awarded by the Tribunal under the conventional heads as well as under the head ‘loss of consortium’ are not in accordance with the law laid down by the Hon’ble Supreme Court. In support of his contentions, he 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]**.

5. *Per contra*, the learned counsel for 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.

6. I have heard the learned counsel for the parties.

7. In the present case learned counsel for the claimant-appellants has not laid any challenge to the income of the deceased, deduction, multiplier as well as to the addition of future prospects as applied by the

Tribunal and the same are hereby maintained. The only challenge laid is to the conventional heads and under the head ‘loss of consortium’, which according to learned counsel for the claimant-appellants are not per the law laid down by the Hon’ble Supreme Court. Accordingly, in view of 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 (widow, three children and mother of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium.

8. Accordingly, the reworked compensation is as under :

Sr.No.	Heads	Compensation Awarded
1	Monthly Income	₹8,000/-
2	Annual Income	[₹8,000 x 12] = Rs.96,000/-
3	Deduction 1/4 th	[₹96,000 – 24,000] = Rs.72,000/-
4	Future Prospects - 30%	[₹72,000 + 21,600] = Rs.93,600/-
5	Multiplier - 14	[₹93,600 x 14] = Rs.13,10,400/-
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 3] (ii) Filial (iii) Spousal's	₹1,44,000/- ₹48,000/- ₹48,000/- (Total ₹2,40,000/-)
	Total Compensation	₹15,86,400/-

9. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 8 % 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 claimants as directed by the Tribunal.

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

15.01.2025
jk

**(ALKA SARIN)
JUDGE**

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