



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-3451-2021 (O&M)
Date of Decision : 19.03.2025

Usha Rani and OthersAppellants

VERSUS

Narender Kumar and OthersRespondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. H.S. Rana, Advocate for
Mr. S.S. Momi, Advocate for the appellants.

Mr. Punit Jain, Advocate for respondent No.3.

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, Kurukshetra (hereinafter referred to as the ‘Tribunal’) vide award dated 03.08.2021 on account of death of Karnail Singh (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	Rs.8,827/-
2	Future prospects @ 25%	[8,827 + 2,206] = Rs.11,033/-
3	Deduction – 1/4 th	[11,033 – 2,758] = Rs.8,275/-

4	Annual income after applying the multiplier of 13	[Rs.8,275 x 12 x 13] = Rs.12,90,900/-
5	Funeral expenses	Rs.16,500/-/-
6	Loss of estate	Rs.16,500/-
7	Loss of consortium (i) Spousal (ii) Parental (iii) Filial	Rs.44,000/- Rs.44,000/- Rs.44,000/- Rs.1,32,000/-
	Total compensation	Rs.14,55,900/-
	Interest	9% per annum

4. Learned counsel for the claimant-appellants would contend that though he does not challenge the deduction, addition of future prospects and the multiplier as applied by the Tribunal, however, the income of the deceased has wrongly been assessed by the Tribunal as Rs.8,827/- per month inasmuch as even the minimum wages for an unskilled worker at the relevant point of time were Rs.9,024/- per month. Learned counsel for the claimant-appellants would further contend that since the deceased was an agriculturist and was also doing the business of sweet vendor/maker, his income ought to have been assessed as that of a skilled worker. Learned counsel for the claimant-appellants would also contend that the amounts awarded 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 contention, 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. Choramandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642].

5. *Per contra*, 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. Heard.

7. In the present case, no appeal has been filed by respondent No.3-Insurance Company. Since there is no challenge to the deduction, addition of future prospects and the multiplier as applied by the Tribunal, the same are accordingly maintained. The income of the deceased as assessed by the Tribunal in the opinion of this Court is on the lower side inasmuch as it was the case of the claimant-appellants as testified by PW-1, PW-3 and PW-4 that the deceased was an agriculturist and was also doing the business of sweet vendor/maker and nothing could be elicited by the respondents from the cross-examination of the said witnesses to disbelieve their testimonies. The accident in the present case had taken place on 21.10.2019 and as on 01.07.2019 the minimum wages for a skilled worker in the State of Haryana were Rs.10,969/-. Taking a cue therefrom, the income of the deceased is assessed as Rs.10,969/- per month. Further, the amounts awarded under the conventional heads and under the head 'loss of consortium' are not 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) and hence, the

claimant-appellants would be entitled to Rs.18,000/- (Rs.15,000+20% increase) towards loss of estate and Rs.18,000/- (Rs.15,000+20% increase) towards funeral expenses and the claimant-appellants would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of consortium.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	Rs.10,969/-
2	Annual income	[Rs.10,969 x 12] = Rs.1,31,628/-
3	Deduction 1/4 th	[Rs.1,31,628 – 32,907] = Rs.98,721/-
4	Future prospects @ 25%	[Rs.98,721 + 24,681] = Rs.1,23,402/-
5	Multiplier of 13	[Rs.1,23,402 x 13] = Rs.16,04,226/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of consortium (i) Spousal (ii) Parental (iii) Filial	Rs.48,000/- [Rs.48,000 x 3] = Rs.1,44,000/- Rs.48,000/- Rs.2,40,000/-
	Total	Rs.18,80,226/-

9. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 9% per annum from the date of filing of the claim petition till the realization of the entire amount.

10. In view of the decision by the Hon’ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 INSC 361 : Civil Appeal No._____ 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 the respondent No.3-Insurance company in the bank account(s) of the claimant-appellants 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 claimant-appellants to respondent No.3-Insurance company within a period of two weeks from the date of this order and needful shall be done by respondent No.3-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.

10. 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.

19.03.2025
jk

(ALKA SARIN)
JUDGE

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