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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4820-2023 (O&M)
Date of Decision : 12.08.2025

Sonal & Ors ... Appellant(s)

Versus

Anand Kumar & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Kumar, Advocate for
Mr. G.C. Shahpuri, Advocate for the appellants.

Mr. Harinder Kumar, Advocate for respondent No.3.

<u>ALKA SARIN, J.</u> (Oral)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (hereinafter referred to as 'Tribunal') vide the impugned award dated 28.04.2023 in a motor vehicle accident which occurred on17.03.2019.

2. Notice of motion.

3. Since the primary liability to pay the amount of compensation is that of respondent No.3-Insurance Company, service of respondent Nos.1, 2, 4 and 5 is dispensed with.

4. On the asking of the Court, Mr. Harinder Kumar, Advocate accepts notice on behalf of respondent No.3.

5. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

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

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹8,827/-
2	Future prospects 40%	[₹8,827 + 3,531] = ₹12,358/-
3	Deduction 1/4th	[₹12,358 – 3,089.50] = ₹9,268.50/-
4	Multiplier of 16	[₹9,268.50 x 12 x 16] = ₹17,79,552/-
5	Funeral expenses	₹15,000/-
6	Loss of estate	₹15,000/-
7	Loss of consortium	₹1,60,000/- [40,000 x 4]
	Total Compensation	**₹19,69,552/-**
	Interest	**7.5% per annum**

7. Learned counsel for the claimant-appellants would contend that though he does not challenge the deduction, future prospects as well as multiplier as applied by the Tribunal, however, he contends that the income of the deceased has wrongly been assessed as ₹8,827/- per month as the minimum wage of an unskilled worker prevailing at the time of the accident was ₹9,024/- per month. It is further the contention of the learned counsel 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 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]**.

8. *Per contra,* the learned counsel for respondent No.3-Insurance Company has contended that sufficient amount has already been awarded as

compensation in the present case and that there is no scope of any enhancement.

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

10. In the present case no appeal has been preferred by the Insurance Company. Since no challenge has been laid by the learned counsel for the claimant-appellants to the future prospects, deduction as well as multiplier as applied by the Tribunal, the same are accordingly maintained. In the present case the Tribunal has assessed the income of the deceased as ₹8,827/- per month, however, the minimum wage of an unskilled worker prevailing at the time of the accident was ₹9,024/- per month, hence, the income of the deceased is assessed as ₹9,024/- 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 claimants would be entitled to ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses and the claimants (wife, two daughters and mother of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	**Monthly Income**	₹9,024/-
2	**Annual Income**	₹1,08,288/- [₹9,024 x 12]
3	**Deduction 1/4th**	₹81,216/- [₹1,08,288 – 27,072]
4	**Future Prospects - 40%**	₹1,13,703/- [₹81,216 + 32,487]
5	**Multiplier - 16**	₹18,19,248/- [₹113703 x 16]
6	**Loss of estate**	₹18,000/-
7	**Funeral expenses**	₹18,000/-

8	**Loss of consortium** (i) Parental [₹48,000 x 2] (ii) Filial (iii) Spousal's	 ₹96,000/- ₹48,000/- ₹48,000/- (Total ₹1,92,000/-)
	Total Compensation	**₹20,47,248/-**

11. 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.

12. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors. [2025 AIR (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 direction of the Tribunal. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimants 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.

13. In view of the above, the present appeal is allowed and the impugned award stands modified to the extent stated above. Pending applications, if any, also stand disposed off.

12.08.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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