

**IN THE HIGH C OURT OF PUNJAB AND HARYANA AT CHANDIGARH****264****FAO-3403-2016 (O&M)****Date of Decision : 12.05.2025**

Hansraj and Another

....Appellants

VERSUS

Kreshan and Others

....Respondents

264-1**FAO-6708-2016 (O&M)**

Loveleen Kaur

....Appellant

VERSUS

Kreshan and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Alisha Soni, Advocate
for the appellants in FAO-3403-2016.

Mr. Bhanu Chaudhary, Advocate for
Mr. Varun Katyal, Advocate
for the appellant in FAO-6708-2016.

Mr. Bikram Chaudhary, Advocate
for respondent Nos.1 and 2 in both the appeals.

Mr. Amit Jaiswal, Advocate
for respondent No.3 in both the appeals.

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, Kaithal (hereinafter referred to as the 'Tribunal') vide

award dated 05.01.2016 on account of death of Ramesh Kumar @ Meshu @ Ramesh Sharma (hereinafter referred to as the 'deceased'). A joint claim petition was filed by the claimant-appellants, however, two separate appeals have been preferred before this Court.

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	₹8,580/-
2	Deduction – 1/3 rd	[₹8,580 - 2860] = ₹5,720/-
3	Annual income after applying the multiplier of 15	[₹5,720 x 12 x 15] = ₹10,29,600/-
4	Funeral and transportation expenses	₹20,000/-
5	Loss of love and affection @ ₹50,000/- each	₹1,50,000/-
	Total compensation	₹11,99,600/-
	Interest	7.5% per annum

4. Learned counsel for the claimant-appellants would contend that the income of the deceased has wrongly been assessed as ₹8,580/- per month inasmuch as he was earning ₹20,000/- per month. It is further the contention that no addition has been made towards loss of future prospects and that the amount awarded under the conventional heads are also not in consonance with the law laid down by Hon'ble Supreme Court. In support of their contentions, they have 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* learned counsel for respondent No.3-Insurance Company would contend that the income of the deceased as assessed by the Tribunal is already on the higher side and there was no evidence qua the deceased earning an amount of ₹20,000/- per month. However, learned counsel for respondent No.3 is not in a position to deny the fact that an addition of 25% would have to be made towards loss of future prospects keeping in view the law laid down by Hon'ble Supreme Court in case of **Pranay Sethi (supra)**.

6. Heard.

7. In the present case the argument of learned counsel for the claimant-appellants that the income of the deceased ought to have been assessed as ₹20,000/- per month deserves to be rejected in the absence of any cogent evidence. The Tribunal has already assessed income of the deceased as ₹8,580/- per month as per the DC rates prevailing at the relevant point of time. In the absence of any evidence, no fault can be found with the same and hence the same is maintained. Since there is no challenge to the deduction, multiplier and the amount awarded by the Tribunal towards loss of love and affection/loss of consortium, the same are maintained. The Tribunal has not made any addition towards loss of future prospects which,

as per the age of the deceased being 40 years, would be 25% as per the law laid down by Hon’ble Supreme Court in case of **Pranay Sethi** (*supra*). Accordingly, an addition of 25% is made towards loss of future prospects. The amount awarded under the conventional heads is not in accordance with the law laid down by Hon’ble Supreme Court in the cases of **Pranay Sethi** (*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.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹8,580/-
2	Annual Income	₹1,02,960/- [₹8,580 x 12]
3	Deduction - 1/3 rd	₹68,640/- [₹1,02,960 – 34,320]
4	Future Prospects - 25%	₹85,800/- [₹68,640 + 17,160]
5	Multiplier - 15	₹12,87,000/- [₹85,800 x 15]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium @ Rs.50,000/- each as assessed by the Tribunal	₹1,50,000/-
	Total Compensation	₹14,73,000/-

9. 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.

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.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 the 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 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.

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

12.05.2025
jk

(ALKA SARIN)
JUDGE

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