IN THE HIGH C OURT OF PUNJAB AND HARYANA AT CHANDIGARH

245 **FAO-8366-2014 (O&M)**
Date of Decision : 21.05.2025

Rakina Khatun and Others ....Appellants

VERSUS

Gursharan Singh and Another ....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Ekta Thakur, Advocate for the appellants.
(through hybrid mode).

Mr. Sanjeev Goyal, 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, Chandigarh (hereinafter referred to as the 'Tribunal') vide award dated 20.03.2014 on account of death of Mohd. Ijarail (hereinafter referred to as the 'deceased').

2. Learned counsel for the claimant-appellants states that service of respondent No.1 may be dispensed with as the only contesting party is respondent No.2, who has been duly represented.

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	Annual income	[₹6,000 x 12] = ₹72,000/-
3	Deduction – 1/4th	[₹72,000 – 18,000] = ₹54,000/-
4	Compensation after applying the multiplier of 17	[₹54,000 x 17] = ₹9,18,000/-
5	Funeral expenses	₹15,000/-
6	Loss of consortium	₹50,000/-
7	Loss of love and affection	₹50,000/-
	Total compensation	**₹10,33,000/-**
	Interest	**7.5% per annum**

5. Learned counsel for the claimant-appellants would contend that though he does not challenge the income of the deceased and the deduction as assessed by the Tribunal, however, the multiplier has wrongly been applied by the Tribunal as '17' inasmuch as the deceased was 25 years of age, which fact was duly proved by the postmortem report (Ex.P3) and hence a multiplier of '18' would be applicable in the present case. Learned counsel for the claimant-appellants would further contend that the Tribunal has also not made any addition towards loss of future prospects, which ought to have been 40%. It has further been contended that the amounts awarded under the conventional heads as well as under the head 'loss of consortium' are also not in accordance with the law. In support of his contentions, he has relied upon the judgments of the Hon'ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121], 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.2-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.2-Insurance Company. Since there is no challenge to the income of the deceased and the deduction as assessed by the Tribunal, the same are accordingly maintained. As per the postmortem report, the deceased was 25 years of age at the time of accident. The Tribunal has wrongly applied a multiplier of '17' and hence, as per the law laid down by Hon'ble Supreme Court in case of **Sarla Verma** *(supra)*, a multiplier of '18' would be applicable. Further, the Tribunal has not made any addition towards loss of future prospects. Keeping in view the age of the deceased, an addition of 40% would have to be made towards loss of future prospects as per the law laid down by Hon'ble Supreme Court in case of **Pranay Sethi** *(supra)*. Further, the amounts awarded under the conventional heads as well as under the head 'loss of consortium' are also not in accordance with the law inasmuch as only an amount of ₹15,000/- has been awarded towards funeral expenses and an amount of ₹50,000/- has been awarded to the widow towards loss of consortium and ₹50,000/- to the children towards loss of

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

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 - 1/4th	₹54,000/- [₹72,000 – 18,000]
4	Future Prospects - 40%	₹75,600/- [₹54,000 + 21,600]
5	Multiplier - 18	₹13,60,800/- [₹75,600 x 18]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 3] (ii) Filial [₹48,000/- x 2] (iii) Spousal's	 ₹1,44,000/- ₹96,000/- ₹48,000/- (Total ₹2,88,000/-)
	Total Compensation	**₹16,84,800/-**

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. [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 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 claimant, if any, 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 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.

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.

(ALKA SARIN)
JUDGE

21.05.2025
jk

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