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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-640-2016 (O&M)
Date of Decision : 27.08.2025

Asha Rani & Ors ... Appellant(s)

Versus

Sukhwinder Singh @ Bittu & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Preeti Bansal, Advocate for
Mr. Rajesh Sethi, Advocate for the appellants.

Mr. Mayank Mathur, Advocate for respondent No.3.

ALKA SARIN, J. (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, Fatehabad (hereinafter referred to as 'Tribunal') vide the impugned award dated 05.08.2015 in a motor vehicle accident which occurred on 29.01.2014.

2. Since the factum of the accident is not in dispute, the facts are not being adverted to 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	₹8,500/-
2	Future prospects 15%	₹9,775/-
3	Annual Income	[₹9,775 x 12] ₹1,17,300/-
4	Deduction 1/3rd	[₹1,17,300 – ₹39,100] = ₹78,200/-

5	Multiplier of 11	[₹78,200 x 11] = ₹8,60,200/-
6	Loss of consortium	₹1,00,000/-
7	Funeral expenses	₹25,000/-
8	**Total Compensation**	**₹9,85,200/-**
	Interest	**7.5% per annum**

4. Learned counsel for the claimant-appellants would contend that the deceased in the present case was 53 years of age and his income has wrongly been assessed as ₹8,500/- per month inasmuch as he was running a *kiryana* shop, therefore, his income ought to have been assessed as ₹20,000/- per month. It is further the contention of the learned counsel that there are four claimants in the present case and a deduction of 1/3rd has been applied which should be 1/4th. Learned counsel has fairly admitted that an addition of 15% has erroneously been made towards future prospects which should be 10% keeping in view the age of the deceased. Learned counsel for the claimant-appellants does not challenge the multiplier as applied by the Tribunal. It is further the contention of the learned counsel that the compensation awarded under the conventional heads as well as under the head 'loss of consortium' is not in accordance with the law laid down by the Hon'ble Supreme Court. In support her contentions, she 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*, learned counsel for respondent No.3-Insurance Company has contended that in the absence of any evidence regarding the income of the deceased, the same has rightly been assessed by the Tribunal as

₹8,500/- per month as per the minimum wage applicable for an unskilled worker at the relevant point of time. It is further the contention of the learned counsel 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. Admittedly, no appeal has been filed by the Insurance Company. Since no challenge has been laid by the learned counsel for the claimant-appellants to the multiplier, the same is accordingly maintained. In the present case, sans any evidence regarding the income of the deceased, the Tribunal has assessed the income as ₹8,500/- per month on the basis of the minimum wage applicable for an unskilled worker at the relevant point of time. Even today learned counsel for the claimant-appellants is unable to refer to any evidence on the record to show the income of the deceased. In view thereof, no fault can be found with the income as assessed by the Tribunal and the same is accordingly maintained.

8. In the present case the number of claimants is four, hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), a deduction of $1/4^{th}$ would be applicable instead of $1/3^{rd}$. An addition of 15% has been made towards future prospects which ought to be 10% keeping in view the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra) as has been fairly admitted by the learned counsel for the claimant-appellants. Accordingly, an addition of 10% instead of 15% is made towards future prospects.

9. Further, the compensation awarded under the conventional heads and under the head 'loss of consortium' is 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), 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 and three children 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	₹8,500/-
2	Annual Income	₹1,02,000/- [₹8,500 x 12]
3	Deduction - 1/4th	₹76,500/- [₹1,02,000 - ₹25,500]
4	Future Prospects - 10%	₹84,150/- [₹76,500 + ₹7,650]
5	Multiplier - 11	₹9,25,650/- [₹84,150 x 11]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 3] (ii) Spousal	 ₹1,44,000/- ₹48,000/- (Total ₹1,92,000/-)
	Total Compensation	**₹11,53,650/-**

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. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, 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.

12. 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.

27.08.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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