



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-7796-2015 (O&M)

Date of Decision : 19.08.2025

SUNITA RANI (DECEASED) THR LRS

.... Appellants

VERSUS

SETH PAL AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Krishan Singh, Advocate
for the appellants.

Mr. Sukhdarshan Singh, 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, Yamuna Nagar at Jagadhri vide award dated 05.08.2015.

2. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal, are not being adverted to 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	₹5,367
2.	Deduction 1/2	[₹5,367 - ₹2,684] = ₹2,683
3.	Annual income	[₹2,683 x 12] = ₹32,196
4.	Multiplier of '7'	[₹32,196 x 7] = ₹2,25,372
5.	Cost of treatment	₹4,99,721
6.	Funeral expenses	₹15,000
	Total Compensation	₹7,40,093
	Interest	@ 7% per annum

4. Learned counsel for the claimant-appellants would contend that the deduction of '1/2' had wrongly been applied by the Tribunal, whereas it ought to have been '1/3' as there were 03 (three) dependents upon the deceased. It is further the contention of the learned counsel that the amounts awarded under the conventional heads are also on the lower side and that no amount had been awarded under the head 'loss of consortium'. Learned counsel would further contend that the claimant-appellants being daughters are entitled for compensation under the head 'loss of consortium'. In support of his contentions the learned counsel for the claimant-appellants 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. Chola mandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that sufficient amount had 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 deduction of 1/2 had wrongly been applied which ought to have been 1/3 keeping in view the fact that there were 3 (three) dependents upon the deceased. Since there is no challenge to the income of ₹5,367, multiplier of '7' as applied and costs of treatment of ₹4,99,721 as awarded by the Tribunal, the same are maintained. Further, the amount awarded under the conventional heads is on the lower side 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 ₹18,000 (₹15,000 + 20% increase) towards loss of estate and ₹18,000 (₹15,000 + 20% increase) towards funeral expenses. The Tribunal though awarded the compensation to the claimant-appellants, who are the daughters of the deceased, however, did not grant any amount towards loss of consortium to them. The loss of consortium is a loss of companionship, affection and other intangible benefits that a spouse/daughter/son derives from a relationship. Thus, the claimant-appellants, who are the daughters of the deceased, would be entitled to compensation under the head 'loss of consortium'. Accordingly, the claimant-appellants would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

8. Accordingly, the reworked compensation, to which the claimant-appellants are held entitled to, is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹5,367
2.	Deduction 1/3	[₹5,367 - ₹1,789] = ₹3,578
3.	Annual income	[₹3,578 x 12] = ₹42,936
4.	Multiplier of '7'	[₹42,936 x 7] = ₹3,00,552
5.	Cost of treatment	₹4,99,721
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of Consortium : (i) Parental	[₹48,000 x 3] = ₹1,44,000
	Total compensation	₹9,80,273

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. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal.

10. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 SC 1713]**, after calculation of the enhanced amount, the same be transferred by respondent No.3-Insurance Company in the bank account(s) of the claimant-appellants within a period of six weeks from today. The particulars of the bank account(s) along with the requisite documents in support thereof shall be furnished by the claimant-appellants to respondent No.3-Insurance company within a period of two weeks from today and needful shall be done by respondent No.3-Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

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

19.08.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No