



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

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**FAO-6920-2016 (O&M)
Date of Decision : 02.05.2025**

HARJEET KAUR AND ORS

.... Appellants

VERSUS

SHASHI BHUSHAN AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Pankaj Katia, Advocate for the appellants.

**Mr. Vishal Garg, Advocate and
Mr. Ritik Mahindroo, 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, SAS Nagar (Mohali) (hereinafter referred to as 'the Tribunal) vide award dated 04.02.2013.
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	₹4,000
2.	Annual income	[₹4,000 x 12] = ₹48,000
3.	Deduction @1/3 rd	[₹48,000 - ₹16,000] = ₹32,000
4.	Future prospects 50%	[₹32,000 + ₹16,000] = ₹48,000
5.	Multiplier of '17'	[₹48,000 x 17] = ₹8,16,000
6.	Funeral expenses plus transportation	₹10,000
7.	Loss of estate	₹5,000
8.	Loss of consortium	₹5,000
	Total Compensation	₹8,36,000
	Interest	@ 6% per annum in case the payment was made within three months. In case the payment was not made within three months then interest would be @ 9% per annum.

4. Learned counsel for the claimant-appellants would contend that the income of the deceased has wrongly been assessed as ₹4,000 per month as the minimum wage of an unskilled worker prevailing at the time of the accident was ₹4,268 per month. It is further the contention that multiplier of '17' had wrongly been applied by the Tribunal, whereas it ought to have been '18' keeping in view the age of the deceased being 24 years at the time of the accident. Learned counsel would further contend that the amounts awarded under the head 'loss of consortium' and under the conventional heads are also on the lower side. 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 **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. 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. Learned counsel would further contend that the Tribunal had wrongly made an addition @ 50% towards future prospects which ought to have been @ 40% keeping in view the law laid down by the Hon'ble Supreme Court in **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**.

6. Heard.

7. In the present case since there is no challenge to the deduction @ 1/3rd as made by the Tribunal, the same is maintained. Though the Tribunal had assessed the income of the deceased as ₹4,000 per month, however, the minimum wage of an unskilled worker prevailing at the time of the accident was ₹4,268 per month and hence the income of the deceased is assessed as ₹4,268 per month. Further, an addition @ 50% had wrongly been made by the Tribunal and as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), @ 40% addition is made towards future prospects. A multiplier of '17' had wrongly been applied and hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), multiplier of '18' would be applicable keeping in view the age of the deceased being 24 years at the time of the accident. The amounts

awarded under the conventional heads and under the head 'loss of consortium' are on the lower side 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 ₹18,000/- (₹15,000 + 20% increase) towards loss of estate and ₹18,000/- (₹15,000 + 20% increase) towards funeral expenses. Vide the impugned award the Tribunal has though allowed the claim petition however, only claimant-appellants No.1 to 3 were held dependent and compensation was assessed accordingly and claimant-appellant No.4 was held not dependent upon the deceased. Claimant-appellant No.4 being father is certainly 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 is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹4,268
2.	Annual income	[₹4,268 x 12] = ₹51,216
3.	Deduction @1/3 rd	[₹51,216 - ₹17,072] = ₹34,144
4.	Future prospects @40%	[₹34,144 + ₹13,658] = ₹47,802
5.	Multiplier '18'	[₹47,802 x 18] = ₹8,60,436
6.	Loss of estate	₹18,000
7.	Funeral expenses	₹18,000
8.	Loss of Consortium : (i) Parental (ii) Filial (iii) Spousal	₹48,000 ₹96,000 [₹48,000 x 2] ₹48,000 Total = ₹1,92,000
	Total Compensation	₹10,88,436

9. The amount in excess of and over and above the amount awarded by the Tribunal shall 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 respondent No.3-Insurance Company in the bank account(s) of the claimant-appellants within a period of six weeks from today. The compensation amount of the minor claimant-appellant No.2 shall be kept in a fixed deposit by the Bank concerned. 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.

02.05.2025
Aman Jain

(ALKA SARIN)
JUDGE

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