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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-8110-2016 (O&M)
Date of Decision : 31.07.2025

Veerpal Kaur and Others ....Appellants

VERSUS

Satish Kumar and Others ....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. Rahul Pathania, Advocate for respondent No.3.

ALKA SARIN, J. **(Oral)**

CM-26915-CII-2016

1. For the reasons stated in the application, the same is allowed. The delay of 354 days in filing the present appeal is condoned. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

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2. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Bathinda (hereinafter referred to as the 'Tribunal') vide award dated 28.004.2015 on account of death of Balvir Singh (hereinafter referred to as the 'deceased').

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 – 1/3rd	[₹72,000 – 24,000] = ₹48,000/-
4	Compensation after applying the multiplier of 15	[₹48,000 x 15] = ₹7,20,000/-
5	Funeral expenses	₹25,000/-
6	Loss of estate	₹25,000/-
7	Loss of consortium	₹1,00,000/-
	Total compensation	**₹8,70,000/- rounded off to ₹9,00,000/-**
	Interest	**9% per annum**

5. Learned counsel for the claimant-appellants would contend that though he does not challenge the income of the deceased and the multiplier as assessed by the Tribunal however, the Tribunal has applied a deduction of 1/3rd. There are four dependents of the deceased and hence, a deduction of 1/4th ought to have been applied. It is further the contention that the Tribunal has not made any addition towards loss of future prospects, which ought to have been 25%. It has further been contended that the amount awarded under the head 'loss of consortium' is 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 **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.3-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.3-Insurance Company. Since there is no challenge to the income of the deceased and the multiplier as assessed by the Tribunal, the same are accordingly maintained. The Tribunal has applied a deduction of $1/3^{rd}$. There are four dependents of the deceased and hence, as per the law laid down by Hon'ble Supreme Court in case of **Pranay Sethi** *(supra)*, a deduction of $1/4^{th}$ would be applicable. Further, the Tribunal has not made any addition towards loss of future prospects. Keeping in view the age of the deceased, who was admittedly 40 years of age at the time of accident, an addition of 25% would be made towards loss of future prospects as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** *(supra)*. Further, the amounts awarded under the conventional heads as well as under the head 'loss of consortium' are not in accordance with the law inasmuch as an amount of ₹25,000/- has been awarded towards funeral expenses and ₹25,000/- towards loss of estate and also an amount of ₹1,00,000/- towards loss of consortium. 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. The interest @ 9% as awarded by the Tribunal is also maintained.

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 - 25%	₹67,500/-	[₹54,000 + 13,500]
5	Multiplier - 15	₹10,12,500/-	[₹67,500 x 15]
6	Loss of estate	₹18,000/-	
7	Funeral expenses	₹18,000/-	
8	Loss of consortium (i) Parental [₹48,000/- x 2] (ii) Filial [₹48,000/- x 1] (iii) Spousal	 ₹96,000/- ₹48,000/- ₹48,000/- (Total ₹1,92,000/-)	
	Total Compensation	**₹12,40,500/-**	

10. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 9% per annum from the date of filing of the claim petition till the realization of the entire amount. Since there was delay of 354 days in filing the appeal, However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

11. 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 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.

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)
31.07.2025 **JUDGE**
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NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO