2025:PHHC:153020

275

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-182-2018 (O&M)
Date of Decision : 06.11.2025

DALVIR SINGH AND ANR .... Appellants

VERSUS

VEER BHAN AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Anita Kumari, Advocate for the appellants.

Mr. Maninder Arora, Advocate and
Mr. Harmeet Singh, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. As per the report of the Mediator, the mediation was a non-starter.

2. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Hisar (hereinafter referred to as the 'Tribunal') vide award dated 10.08.2017.

3. 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.

4. The deceased in the present was, who died in a motor vehicular accident which took place on 10.04.2016, was about 22 years. The claim petition was filed by the parents of the deceased.

5. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹8,500
2.	Annual income	[₹8,500 x 12] = ₹1,02,000
3.	Deduction 50%	[₹1,02,000 - ₹51,000] = ₹51,000
4.	Multiplier of '13'	[₹51,000 x 13] = ₹6,63,000
5.	Transportation and last rites	₹20,000
6.	Loss of love and affection	₹50,000
7.	Medical expenses	₹1,04,417
	Total Compensation	**₹8,37,417**
	Interest	**@ 8% per annum**

6. Learned counsel for the claimant-appellants would contend that the deceased was 22 years of age and was a graduate. The said fact was duly stated in the affidavit filed by PW-1, namely, Dalvir Singh, in his Examination-in-Chief wherein it was clearly stated that the deceased had completed her graduation from Uttarakhand College. However, neither there was any cross-examination on the said fact nor any evidence was led to the contrary. Learned counsel would further contend that the income of the deceased has been assessed as ₹8,500 per month as per the minimum wages applicable to that of an unskilled worker. Since the deceased was a graduate (as per the unrebutted evidence) her income ought to have been assessed as per the minimum wages as that of a skilled worker. It is still further the contention of the learned counsel that no amount has been added towards future prospects which ought to have been 40% and that a multiplier of '13' has wrongly been applied keeping in view the age of the parents of the deceased which should be '18' keeping in view the age of the deceased. No

challenge has been laid to the deduction @ 50% as made and the amount of ₹1,04,417 awarded towards medical expenses by the Tribunal. Learned counsel would still further contend that the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses and under the head 'loss of consortium' are on the lower side. In support of her 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. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

7. *Per contra*, learned counsel for the respondent No.3 would contend that there was no evidence on the record regarding the fact that the deceased was a graduate and as such her income has rightly been assessed. 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.

8. Heard.

9. In the present case PW1 – Dalvir Singh in his Examination-in-Chief had specifically stated that the deceased had completed her graduation from Uttarakhand College. A copy of his Examination-in-Chief and the cross-examination was handed over in Court by the learned counsel for the claimant-appellants to which the learned counsel for the respondent No.3-Insurance

Company stated that he has no objection if the same are referred to and relied upon by the Court. A perusal of the cross-examination of PW-1 reveals that not a single suggestion was put regarding the deceased not having completed her graduation. Rather, the suggestions were only regarding the age and the income proof of the deceased. In view of the unrebutted evidence, the deceased would be considered as a graduate and as such the income applicable would be as per that of a skilled worker which was ₹9,233 per month at the relevant time. There is no challenge to the deduction @ 50% and the amount of ₹1,04,417 awarded towards medical expenses by the Tribunal and as such the same are maintained. Further, no amount has been awarded towards future prospects. 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. The Tribunal has applied the multiplier of '13' keeping in view the age of the parents of the deceased which should be as per the age of the deceased. Hence, a multiplier of '18' would be applicable in the present case.

10. The amounts awarded under the conventional heads i.e. loss of estate and funeral expenses and under the head loss of consortium are 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 claimant-appellants, being the parents of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,233
2.	Annual income	[₹9,233 x 12] = ₹1,10,796
3.	Deduction @50%	[₹1,10,796 - ₹55,398] = ₹55,398
4.	Future prospects @40%	[₹55,398 + ₹22,160] = ₹77,558
5.	Multiplier '18'	[₹77,558 x 18] = ₹13,96,044
6.	Loss of estate	₹18,000
7.	Funeral expenses	₹18,000
8.	Loss of Consortium : (i) Filial (parents)	 ₹96,000 (48,000 x 2)
9.	Medical expenses	1,04,417
	Total Compensation	**₹16,32,461**

12. 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.

13. 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.

14. 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.

06.11.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

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