



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4630-2022 (O&M)
Date of Decision : 03.11.2025

Hans Raj and Another ... Appellants

Versus

Ashok Kumar and Others ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Dheeraj Narula, Advocate for the appellants.

Mr. Diwan S. Adalkha, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

- 1. As per 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, Sirsa (hereinafter referred to as ‘Tribunal’) vide the impugned award dated 02.08.2022 on account of death of Krishan Kumar in a motor vehicle accident on which occurred on 13.01.2021.
- 3. Since the factum of the accident is not in dispute, the facts are not being adverted to 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	₹10,000/-
2	Future Prospects - 40%	₹14,000/- [₹10,000 + ₹4,000]

3	Deduction - 50%	₹7,000/-	[₹14,000 - ₹7,000]
4	Annual Income	₹84,000/-	[₹7,000 x 12]
5	Multiplier - 18	₹15,12,000/-	[₹84,000 x 18]
6	Loss of estate	₹15,000/-	
7	Funeral expenses	₹15,000/-	
8	Loss of filial consortium @ ₹40,000/- each	₹80,000/-	
9	Medical expenses	₹80,739/-	
	Total Compensation	₹17,02,739/- (rounded off to ₹17,02,740/-)	
	Interest	6%	

5. Learned counsel for the claimant-appellants states that he does not challenge the income, deduction, multiplier and future prospects as applied by the Tribunal. He, however, states 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 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]**.

6. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

7. I have heard the learned counsel for the parties.

8. Admittedly, no appeal has been preferred by the Insurance Company. In the present case, since no challenge has been laid by the learned counsel for the claimant-appellants to the income, future prospects, deduction and multiplier as applied by the Tribunal, the same are maintained

accordingly. 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 (parents of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. An amount of ₹80,739/- awarded towards medical expenses is also maintained. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹10,000/-
2	Annual Income	₹1,20,000/- [₹10,000 x 12]
3	Deduction - 50%	₹60,000/- [₹1,20,000 - ₹60,000]
4	Future Prospects - 40%	₹84,000/- [₹60,000 + ₹24,000]
5	Multiplier - 18	₹15,12,000/- [₹84,000 x 18]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Medical expenses	₹80,739/-
9	Loss of consortium (i) Filial [₹48,000/- x 2]	₹96,000/-
	Total Compensation	₹17,24,739/-

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.
10. 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.

11. 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.

03.11.2025
jk

(**ALKA SARIN**)
JUDGE

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