



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

239

FAO-2002-2018 (O&M)
Date of Decision : 30.04.2025

JOGINDER KAUR AND ORS. Appellants

VERSUS

HARJINDER SINGH AND ORS Respondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ashish Gupta, Advocate for the appellants.
Mr. Ankur Gupta, 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, Patiala (Hereinafter referred to as ‘the Tribunal’) vide award dated 11.10.2017.
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 had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,000
2.	Annual income	[₹9,000 x 12] = ₹1,08,000
3.	Deduction @50%	[₹1,08,000 - ₹54,000] = ₹54,000
4.	Multiplier of ‘17’	[₹54,000 x 17] = ₹9,18,000
5.	Funeral expenses	₹25,000
	Total Compensation	₹9,43,000
	Interest	@ 6% per annum

4. Learned counsel for the claimant-appellants would contend that though the claimant-appellants does not dispute the income of ₹9,000 per month as assessed, deduction @ 50% as made and multiplier of '17' as applied by the Tribunal, however, no addition had been made towards future prospects and that no amount had been awarded under the head 'loss of consortium'. It is further the contention of the learned counsel that the amount awarded under the conventional heads is 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 **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]**.

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, no appeal has been filed by respondent No.3-Insurance Company. Since there is no challenge to the income of ₹9,000 per month as assessed, deduction @ 50% as made and multiplier of '17' as applied by the Tribunal, the same are maintained. No addition had been awarded towards future prospects and hence 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 keeping in view the age of the deceased being 28 years at the time of the accident. Further, the amount awarded under the conventional heads is on the lower side and no amount has been awarded under the head 'loss of consortium'. 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 allowed the claim petition qua appellant No.1 only. However, appellants No.2 and 3 being father and unmarried sister 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 is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,000
2.	Annual income	[₹9,000 x 12] = ₹1,08,000
3.	Deduction @50%	[₹1,08,000 - ₹54,000] = ₹54,000
4.	Future prospects @40%	[₹54,000 + ₹21,600] = ₹75,600
5.	Multiplier '17'	[₹75,600 x 17] = ₹12,85,200
6.	Loss of estate	₹18,000
7.	Funeral expenses	₹18,000
8.	Loss of Consortium : (i) Filial	[₹48,000 x 3] Total = ₹1,44,000]
	Total Compensation	₹14,65,200

9. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 6% 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 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.

30.04.2025
Aman Jain

(ALKA SARIN)
JUDGE

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