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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4372-2018 (O&M)

Date of Decision : 01.12.2025

Raj Bala and Others

... Appellants

Versus

Babloo and Others

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Manoj Yadav, Advocate for the appellants.

Ms. Manvi Verma, Advocate for

Mr. Rajneesh Malhotra, Advocate for respondent No.3.

Service of respondent Nos.1 and 2 already dispensed with
vide order dated 18.10.2019.ALKA SARIN, J. (Oral)**CM-14942-CII-2018**

1. This is an application for condonation of delay of 332 days in filing the appeal.

2. For the reasons stated in the application, delay of 332 days in filing the appeal is condoned. CM stands disposed off. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

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

impugned award dated 07.12.2016 on account of death of Subhash Chand (hereinafter referred to as the ‘deceased’) in a motor vehicle accident which occurred on 10.01.2016.

4. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

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

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹28,000/-
2	Future Prospects - 15%	₹32,200/- [₹28,000 + ₹4,200]
3	Deduction - 1/3rd	₹21,466/- [₹32,200 - ₹10,734]
4	Annual Income	₹2,57,592/- [₹21,466 x 12]
5	Multiplier - 11	₹28,33,500/- [₹2,57,592 x 11]
7	Funeral expenses	₹25,000/-
8	Loss of consortium	₹1,00,000/-
	Total Compensation	₹29,58,500/-
	Interest	7.5%

6. Learned counsel for the claimant-appellants would contend that though he does not challenge the income, multiplier and the future prospects as applied by the Tribunal, however, he has contended that there are four claimants in the present case and a deduction of 1/3rd has been applied which should be 1/4th as per the law laid down by the Hon’ble Supreme Court in the case of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]**. It is further the contention of the learned counsel 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 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]**.

7. *Per contra*, the learned counsel for the respondent-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.

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

9. 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, multiplier and the future prospects as applied by the Tribunal, the same are maintained accordingly. In the present case, the number of claimants is four, hence, as per the law laid down by the Hon’ble Supreme Court in the case of **Sarla Verma** (supra), a deduction of 1/4th would be applicable instead of 1/3rd.

10. 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 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 as also to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr.No.	Heads	Compensation Awarded
1	Monthly Income	₹28,000/-
2	Annual Income	₹3,36,000/- [₹28,000 x 12]

3	Deduction - 1/4th	₹2,52,000/- [₹3,36,000 - ₹84,000]
4	Future Prospects - 15%	₹2,89,800/- [₹2,52,000 + ₹37,800]
5	Multiplier - 11	₹31,87,800/- [₹2,89,800 x 11]
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	₹34,15,800/-

11. 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. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

12. 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 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.

13. 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.

01.12.2025
jk

(**ALKA SARIN**)
JUDGE

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