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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4387-2018 (O&M)
Date of Decision : 01.12.2025

Sanwali Devi 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-14953-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 Ram Swaroop (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	₹46,000/-	
2	Future Prospects - 15%	₹52,900/-	[₹46,000 + ₹6,900]
3	Deduction - 1/3rd	₹35,300/-	[₹52,900 - ₹17,600]
4	Annual Income	₹4,23,600/-	[₹35,300 x 12]
5	Multiplier - 11	₹46,59,600/-	[₹4,23,600 x 11]
6	Funeral expenses	₹25,000/-	
7	Loss of consortium	₹1,00,000/-	
	Total Compensation	**₹47,84,600/-**	
	Interest	7.5%	

6. Learned counsel for the claimant-appellants would contend that the deceased in the present case was 51 years of age and was working as Station Master in the Department of Railways and was posted at Machhrauli Railway Station. It is further the contention of learned counsel for the claimant-appellants that the salary slip for the month of November 2015 showed the salary of the deceased to be ₹47,434/-, hence the income assessed by the Tribunal as ₹46,000/- is erroneous. Learned counsel for the claimant-appellants would further contend that there are six claimants in the present case and a deduction of 1/3rd has been applied which should be 1/4th. Learned counsel for the claimant-appellants states that though he does not challenge the multiplier and the future prospects as applied by the Tribunal, however, he has contended that the compensation awarded by the Tribunal under the conventional heads as well as under the head 'loss of consortium' is not in

consonance with the law laid down by the Hon'ble Supreme Court. In support of his arguments he has relied upon 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*, 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.

8. I have heard 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 multiplier and the future prospects as applied by the Tribunal, the same are maintained accordingly.

10. In the present case, the Tribunal has assessed the monthly income of the deceased as ₹46,000/- per month keeping in view the fact that there was a variation in salary slips. The salary slip of the deceased for the month of January 2016 (Ex.P8) shows that the deceased had received a salary of ₹42,014/-. As per Ex.PW5/B, the gross salary of the deceased for the month of November 2015 was ₹47,434/- and for the month of December 2015 it was ₹44,899/-. The variation was because of the night-time allowance which was given to the deceased. The Tribunal has taken an average figure of ₹46,000/-. This Court does not find any fault in the same. Keeping in view the fact that there was variation in the salary received monthly by the deceased, the

Tribunal has rightly assessed the income of the deceased as ₹46,000/- per month and the same is accordingly maintained.

11. The argument of learned counsel for the claimant-appellants that deduction of 1/4th ought to have been applied deserves to be accepted. Keeping in view the fact that there are six claimants in the present case and the law laid down by Hon'ble Supreme Court in case of **Sarla Verma** (supra), a deduction of 1/4th would be applied.

12. 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	₹46,000/-	
2	Annual Income	₹5,52,000/-	[₹46,000 x 12]
3	Deduction - 1/4th	₹4,14,000/-	[₹5,52,000 - ₹1,38,000]
4	Future Prospects - 15%	₹4,76,100/-	[₹4,14,000 + ₹62,100]
5	Multiplier - 11	₹52,37,100/-	[₹4,76,100 x 11]
6	Loss of estate	₹18,000/-	
7	Funeral expenses	₹18,000/-	
8	Loss of consortium (i) Parental [₹48,000/- x 3] (ii) Filial [₹48,000/- x 2] (iii) Spousal's	 ₹1,44,000/- ₹96,000/- ₹48,000/- (Total ₹2,88,000/-)	
	Total Compensation	**₹55,61,100/-**	

13. 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.

14. 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.

15. 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 **(ALKA SARIN)**
jk **JUDGE**

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