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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6313-2019 (O&M)
Date of Decision : 04.09.2025

MUKESH AND ORS .... Appellants

VERSUS

ANURAG AND ANR .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Tanya Vashist, Advocate for
Mr. R.N. Lohan, Advocate for the appellants.

Mr. Saurabh Savara, Advocate for
Mr. Punit Jain, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

CM-21327-CII-2019

1. This is an application for condonation of delay of 133 days in filing the appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 133 days in filing the appeal is condoned. 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, Hisar (hereinafter referred to as the 'Tribunal') vide award dated 04.02.2019.

4. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,900
2.	Annual income	[₹9,900 x 12] = ₹1,18,800
3.	Deduction 1/3rd	[₹1,18,800 - ₹39,600] = ₹79,200
4.	Future prospects 40%	[₹79,200 + ₹31,680] = ₹1,10,880
5.	Multiplier of 17	[₹1,10,880 x 17] = ₹18,84,960
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
8.	Loss of consortium	₹40,000
9.	Medical expenses	₹32,821
	Total Compensation	**₹19,87,781**
	Interest	**@ 7% per annum**

6. Learned counsel appearing on behalf of the claimant-appellants would contend that though the claimant-appellants do not challenge the income as assessed, the deduction, the addition made towards future prospects and the medical expenses as granted by the Tribunal, however, the multiplier of 17 has wrongly been applied as the age of the deceased was below 26 years i.e. 25 years and 8 months and as such a multiplier of 18 ought to have been applied. It is further the contention of the learned counsel 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 appearing on behalf of 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 appearing on behalf of the respondent No.2-Insurance Company would contend that the amount has rightly been awarded and that the multiplier of 17 also has correctly been applied keeping in view the fact that the age of the deceased was above 25 years. Learned counsel would further contend 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, since there is no challenge to the income as assessed, the deduction, the addition made towards future prospects and the medical expenses as granted by the Tribunal, the same are maintained. The age of the deceased at the time of the accident was 25 years and 8 months i.e. below 26 years. As per the law laid down in the case of **Sarla Verma** (supra) for a person in the age group of 15-25 years, a multiplier of 18 is applicable and for a person in the age group of 26-30 years, a multiplier of 17 is applicable. Since the deceased was yet to turn 26, a multiplier of 18 would be applicable in the present case and accordingly the same is modified.

10. Further, the amounts awarded under the conventional heads 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 widow, the child and 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	₹9,900
2.	Annual income	[₹9,900 x 12] = ₹1,18,800
3.	Deduction 1/3rd	[₹1,18,800 - ₹39,600] = ₹79,200
4.	Future prospects 40%	[₹79,200 + ₹31,680] = ₹1,10,880
5.	Multiplier of 18	[₹1,10,880 x 18] = ₹19,95,840
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Spousal (ii) Parental (iii) Filial	 ₹48,000 ₹48,000 [₹48,000 x 2] = ₹96,000 Total = ₹1,92,000
9.	Medical expenses	₹32,821
	Total Compensation	**₹22,56,661**

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

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.2-Insurance Company in the bank account(s) of the claimant-appellants within a period of six weeks from today. The share of the minor claimant-appellant shall be kept in an FDR with a nationalized bank fetching maximum rate of interest. 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.2-Insurance company within a period of two weeks from today and needful shall be done by respondent No.2-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.

04.09.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

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