



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-5003-2018 (O&M)
Date of Decision : 20.01.2025

Meena Sharma @ Meena Devi & Anr ... Appellant(s)
Versus
Dinesh Kumar & Anr ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Bahadur Singh, Advocate and
Ms. Rajni, Advocate for the appellants.

Mr. Ravi Malhotra, Advocate for
Mr. Vipin Kumar Sharma, Advocate for respondent No.1.

Mr. Shubham, Advocate for
Mr. Suman Jain, Advocate for respondent No.2.

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, Chandigarh (hereinafter referred to as the ‘Tribunal’) vide the impugned award dated 04.04.2018.
2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.
3. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹8,000/-
2	Annual Income	[₹8,000 x 12] = ₹96,000/-

3	Deduction 1/3 rd	[₹96,000 – 32,000] = ₹64,000/-
4	Multiplier of 17	[₹64,000 x 17] = ₹10,88,000/-
5	Loss of dependency after making addition towards future prospects @ 40%	Rs.15,23,200/-
6	Loss of Consortium	Rs.40,000/-
7	Funeral expenses	Rs.15,000/-
8	Loss of estate	Rs.15,000/-
	Total	Rs.15,93,200/-
	Interest	7% per annum

4. The only argument raised by learned counsel for the claimant-appellants is that the amounts awarded under the conventional heads as well as under the head ‘loss of consortium’ are 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]**, **N. Jayasree & Ors. vs. Cholanmandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra* learned counsel for respondent No.2-Insurance Company would contend that sufficient amount has already been awarded by the Tribunal and there is no scope of any further enhancement.

6. Heard.

7. In the present case, there is no challenge to the income, deduction, future prospects and multiplier as applied by the Tribunal and hence, the same are maintained. However, the amounts awarded by the Tribunal under the conventional heads as well as under the head ‘loss of consortium’ are not accordance with the law and 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 Rs.18,000/- (Rs.15,000+20% increase) towards loss of estate and Rs.18,000/- (Rs.15,000+20% increase) towards funeral expenses. The claimant-appellants (wife and son of the deceased) would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	Rs.8,000/-
2	Annual income	[Rs.8,000 x 12] = Rs.96,000/-
3	Deduction 1/3 rd	[Rs.96,000 – 32,000] = Rs.64,000/-
4	Future prospects @ 40%	[Rs.64,000 + 25,600] = Rs.89,600/-
5	Multiplier of 17	[Rs.89,600 x 17] = Rs.15,23,200/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of consortium (i) Spousal (ii) Parental	Rs.48,000/- Rs.48,000/- Rs.96,000/-
	Total	Rs.16,55,200/-

8. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7% 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 claimants-appellants as directed by the Tribunal.

9. 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.

20.01.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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