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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-522-2018 (O&M)
Date of Decision : 21.08.2025

JATINDER SINGH .... Appellant

VERSUS

SARABJIT SINGH AND OTHERS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sarvesh Kumar Gupta, Advocate for the appellant.

Mr. Ishan Thakur, Advocate for
Mr. L.S. Sidhu, Advocate for respondent No.1.

Mr. Rajbir Singh, Advocate for respondent No.3.

Mr. Hardeep Singh, Advocate
for respondents No.4, 5, 6, 8 and 10.

Mr. N.S. Swaitch, Advocate for respondents No.7 and 9.

ALKA SARIN, J. (ORAL)

CM-1597-CII-2018

1. This is an application for condonation of delay of 78 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 78 days in filing the main appeal is condoned.

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

vide award dated 27.03.2017.

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	₹7,500
2.	Annual income	[₹7,500 x 12] = ₹90,000
3.	Deduction 1/3rd	[₹90,000 - ₹30,000] = ₹60,000
4.	Multiplier of '5'	[₹60,000 x 5] = ₹3,00,000
5.	Funeral expenses	₹25,000
	Total Compensation	**₹3,25,000**
	Interest	**@ 7% per annum**

6. Learned counsel for the claimant-appellant would contend that the claimant-appellant does not dispute the income of the deceased as ₹7,500 as assessed, the deduction of 1/3rd as applied and the multiplier of 5 as applied by the Tribunal. Learned counsel, however, states that there are 8 children of the deceased including the claimant-appellant herein and that no amount has been awarded under the head loss of consortium. It is further the contention that the amounts awarded under the conventional heads are not in consonance with the law laid down by the Hon'ble Supreme Court in the case 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 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.

8. Heard.

9. In the present case since there is no dispute to the income of the deceased of ₹7,500 as assessed, the deduction of 1/3rd as applied and the multiplier of 5 as applied by the Tribunal, the same are maintained. Since the deceased in the present case was of 68 years, no addition is to be made towards future prospects. The amounts awarded under the conventional heads are not in consonance with 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). Accordingly, the claimant-appellant 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 Tribunal though awarded the compensation to the claimant-appellant, who is the son of the deceased, however, did not grant any amount towards loss of consortium to any of the other children. The loss of consortium is a loss of companionship, affection and other intangible benefits that a spouse/daughter/son derives from a relationship. Thus, the claimant-appellant along with the other children, who are the son and daughters of the deceased, would be entitled to compensation under the head 'loss of consortium'.

Accordingly, the claimant-appellant along with the 7 other children would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

10. Accordingly, the reworked compensation, to which the claimant-appellant is entitled to, is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹7,500
2.	Annual income	[₹7,500 x 12] = ₹90,000
3.	Deduction 1/3rd	[₹90,000 - ₹30,000] = ₹60,000
4.	Multiplier of '5'	[₹60,000 x 5] = ₹3,00,000
5.	Funeral expenses	₹18,000
6.	Loss of estate	₹18,000
7.	Loss of consortium (i) Parental	 ₹3,84,000 [₹48000 x 8]
	Total Compensation	**₹7,20,000**

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

12. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 AIR (SC) 1713]**, after calculation of the enhanced amount, the same be transferred by respondent No.3-Insurance Company in the bank account(s) of the claimant-appellant and proforma respondents No.4 to 10 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-appellant 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.

13. 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.

21.08.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

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