254

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-5432-2018 (O&M)
Date of Decision : 12.08.2025

TEJ KAUR AND ORS. .... Appellants

VERSUS

OM PARKASH AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Satbir Gill, Advocate for the appellants.

Ms. Mallika Dhillon, Advocate for
Mr. S.S. Sidhu, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

CM-18348-CII-2018

1. This is an application for condonation of delay of 14 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 14 days in filing the main appeal is condoned.

FAO-5432-2018

3. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Sirsa, (hereinafter referred to as 'the Tribunal') vide award dated 30.08.2017.

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	₹7,000
2.	Deduction 1/3rd	[₹7,000 - ₹2,333] = ₹4,667
3.	Annual income	[₹4,667 x 12] = ₹56,004
4.	Multiplier of '13'	[₹56,000 x 13] = ₹7,28,052
5.	Transportation and funeral expenses	₹25,000
6.	Loss of consortium	₹1,00,000
7.	Loss of love and affection	₹1,00,000
	Total Compensation	**₹9,53,052 (rounded off to ₹9,53,100)**
	Interest	**9% per annum**

6. The only argument of the learned counsel for the claimant-appellants is that no addition has been made towards future prospects which ought to have been 25% keeping in view the law laid by the Hon'ble Supreme Court in the case of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**.

7. *Per contra*, the learned counsel appearing on behalf of 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. No appeal has been preferred by the Insurance Company. Since the only grievance of the claimant-appellants is qua the addition of future prospects, the compensation awarded by the Tribunal under the remaining heads is accordingly maintained. In the present case no addition had been made towards future prospects hence as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 25% addition is made

towards future prospects. Accordingly, the argument of the learned counsel for the claimant-appellants is accepted and addition of 25% is made towards future prospects in the actual income of the deceased

10. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹7,000
2.	Annual income	[₹7,000 x 12] = ₹84,000
3.	Deduction @1/3rd	[₹84,000 - ₹28,000] = ₹56,000
4.	Future prospects @ 25%	[₹56,000 + ₹14,000] = ₹70,000
5.	Multiplier '13	[₹70,000 x 13] = ₹9,10,000
6.	Transportation and funeral expenses	₹25,000
7.	Loss of consortium	₹1,00,000
8.	Loss of love and affection	₹1,00,000
	Total Compensation	**₹11,35,000**

11. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 9% 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.

12. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 INSC 361 = AIR 2025 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-appellants 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-appellants 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.

12.08.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

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