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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-8598-2017 (O&M)
Date of Decision : 26.03.2025

Shamsher & Ors ... Appellant(s)

Versus

Monu & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Singal, Advocate for the appellants.

Mr. Abhimanyu Batra, Advocate for respondent No.3.

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, Sonipat (hereinafter referred to as the 'Tribunal') vide award dated 24.07.2017 on account of death of Dharmender (hereinafter referred to as the 'deceased') in a motor vehicle accident which occurred on 03.09.2016.

2. Since the factum of the accident is not in dispute, the facts are not being adverted to 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	₹6,000/-
2	Annual income	[₹6,000 x 12] = ₹72,000/-
3	Deduction – 50%	[₹72,000 – 36,000] = ₹36,000/-
4	Addition of future prospects @ 50%	[₹36,000 + 18,000] = ₹54,000/-

5	Multiplier – 18	[₹54,000 x 18] = ₹9,72,000/-
6	Funeral expenses	₹25,000/-
	Total compensation	**₹9,97,000/-**
	Interest	**9% per annum**

4. Learned counsel for the claimant-appellants has contended that though he does not challenge the deduction and the multiplier as applied by the Tribunal, however, the income of the deceased has wrongly been assessed by the Tribunal as ₹6,000/- per month inasmuch as the minimum wages for an unskilled worker at the relevant point of time were ₹8,070/- per month. The learned counsel for the claimant-appellants has fairly conceded that instead of 50%, an addition of 40% towards future prospects would be applicable as per 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]** and he has no objection if the same is applied in the present case. The learned counsel for the claimant-appellants would further contend that no amount has been awarded under the head 'loss of consortium' and that the amount awarded under the conventional heads is not in accordance with the law laid down by the Hon'ble Supreme Court in the cases of **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]**.

5. *Per contra*, 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 further scope of any enhancement.

6. I have heard the learned counsel for the parties.

7. In the present case no appeal has been filed by respondent No.3-Insurance Company. Since there is no challenge to the deduction and the multiplier as applied by the Tribunal, the same are accordingly maintained. The income of the deceased as assessed by the Tribunal, in the opinion of this Court, is on the lower side inasmuch as the minimum wages for an unskilled worker at the relevant point of time were ₹8,070/- per month and hence the income of the deceased is assessed as ₹8,070/- per month. Further, the Tribunal has wrongly made an addition of 50% towards loss of future prospects, which ought to have been 40% in view of the law laid down by the Hon'ble Supreme Court in case of **Pranay Sethi** (supra). Further, the amount awarded under the conventional heads is not in accordance with law and no amount has been awarded under the head 'loss of consortium' 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 ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses and the claimants (two brothers and parents of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. The interest component awarded by the Tribunal is maintained. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹8,070/-
2	Annual Income	₹96,840/- [₹8,070 x 12]

3	Deduction - 50%	₹48,420/-	[₹96,840 – 48,420]
4	Future Prospects - 40%	₹67,788/-	[₹48,420 + 19,368]
5	Multiplier - 18	₹12,20,184/-	[₹67,788 x 18]
6	Loss of estate	₹18,000/-	
7	Funeral expenses	₹18,000/-	
8	Loss of Filial consortium (i) Filial [₹48,000/- x 4]	₹1,92,000/-	
	Total Compensation	**₹14,48,184/-**	

8. 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.

9. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 INSC 361 : Civil Appeal No.4299 of 2025 arising out of SLP (C) No.4484 of 2020 decided on 18.03.2025]**, 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 and the share of the minor claimants (appellant Nos.3 and 4 herein) shall be kept in fixed deposits by the Bank concerned. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimants 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.

10. 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.

26.03.2025 **(ALKA SARIN)**
Yogesh Sharma **JUDGE**

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