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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-877-2017 (O&M)
Date of Decision : 21.03.2025

Baby & Ors ... Appellant(s)

Versus

Jagdeep Singh & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Kamaldeep Kaur, Advocate for
Mr. A.S. Dhindsa, Advocate for the appellants.

Mr. Punit Jain, Advocate for respondent No.4.

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 'Tribunal') vide the impugned award dated 05.05.2015 in a motor vehicle accident which occurred on 21.07.2013.

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	₹6,000/-
2	Deduction 1/4th	[₹6,000 – 1,500] = ₹4,500/-
3	Annual Income	₹4,500 x 12 = ₹54,000/-
4	Multiplier of 17	[₹54,000 x 17] = ₹9,18,000/-

5	Loss of consortium	₹1,00,000/-
6	Funeral expenses	₹25,000/-
	Total Compensation	**₹10,43,000/-**
	Interest	**7.5% per annum**

4. Learned counsel for the claimant-appellants has contended that though she does not challenge the income of the deceased, deduction and the multiplier as applied by the Tribunal, however, the Tribunal has not made any addition towards future prospects which ought to have been 40%. It is further the contention of the learned counsel that the amount awarded under the conventional heads and under the head 'loss of consortium' are not as per 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]** and **N. Jayasree & Ors. vs. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra*, the learned counsel for respondent No.4-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.4-Insurance Company. Since there is no challenge laid by the learned counsel for the claimant-appellants to the income of the deceased, deduction and the multiplier as applied by the Tribunal, hence, the same are

accordingly maintained. However, no addition has been made towards future prospects and hence as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 40% addition is made towards future prospects. Further, the amount awarded under the conventional heads and under the head 'loss of consortium' are not 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) and hence, the claimants 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 (wife, three children and mother of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	**Heads**	**Compensation Awarded**
1	Monthly Income	₹6,000/-
2	Annual Income	₹72,000/- [₹6,000 x 12]
3	Deduction 1/4th	₹54,000/- [₹72,000 – 18,000]
4	Future Prospects - 40%	₹75,600/- [₹54,000 + 21,600]
5	Multiplier - 17	₹12,85,200/- [₹75,600 x 17]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 3] (ii) Filial [₹48,000/- x 1] (iii) Spousal's	 ₹1,44,000/- ₹48,000/- ₹48,000/- (Total ₹2,40,000/-)
	Total Compensation	**₹15,61,200/-**

8. 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.

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._____ 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.2 to 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 present appeal is allowed and accordingly the impugned award passed by the Tribunal stands modified to the above extent. Pending applications, if any, also stand disposed off.

21.03.2025 **(ALKA SARIN)**
Yogesh Sharma **JUDGE**

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