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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-7208-2018 (O&M)
Date of Decision : 12.08.2025

Mithlesh & Ors ... Appellant(s)

Versus

Rakesh Kumar & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Raghav Chhabra, Advocate for
Mr. Abhimanyu Singh, Advocate for the appellants.

Mr. Rajneesh Malhotra, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

CM-26288-CII-2018

1. For the reasons mentioned therein, the application seeking condonation of delay of 207 days in filing the appeal is allowed and the delay of 207 days in filing the appeal is condoned. However, the claimants will not be entitled to interest for the period of delay.

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2. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Mewat at Nuh (hereinafter referred to as 'Tribunal') vide the impugned award dated 01.11.2017 in a motor vehicle accident which occurred on 07.07.2016.

3. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

4. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹8,100/-
2	Annual Income	₹97,200 [₹8,100 x 12]
3	Deduction 1/5th	₹77,760/- [₹97,200 – 19,440]
4	Multiplier	₹12,44,160/- [₹77,760 x 16]
5	Funeral expenses	₹25,000/-
6	Loss of estate	₹25,000/-
7	Loss of consortium	₹1,00,000/-
8	Loss of care and guidance for children	₹1,00,000/-
9	Loss of love and affection to parents	₹1,00,000/-
10	**Total Compensation**	**₹15,94,160/-**
	Interest	**7% per annum**

5. 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 40% 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]**.

6. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that vide the impugned award, already excess amount of compensation has been awarded in favour of the claimant-appellants and that there is no scope for further enhancement.

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

8. Admittedly, 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, the deceased was admittedly 33 years of age at the time of the accident, hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 40% addition ought to have been made towards future prospects. Accordingly, the argument of the learned counsel for the claimant-appellants is accepted and addition of 40% is made towards future prospects in the actual income of the deceased. The reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded	
1	Monthly Income	₹8,100/-	
2	Annual Income	₹97,200/-	[₹8,100 x 12]
3	Deduction 1/5th	₹77,760/-	[₹97,200 – 19,440]
4	Future Prospects - 40%	₹1,08,864/-	[₹77,760 + 31,104]
5	Multiplier - 16	₹17,41,824/-	[₹108864 x 16]
6	Loss of estate	₹25,000/-	
7	Funeral expenses	₹25,000/-	
8	Loss of consortium	₹3,00,000/-	
9	**Total Compensation**	**₹20,91,824/-**	

9. 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.

10. 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 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 direction of the Tribunal. 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.

11. In view of the above, the present appeal is allowed and the impugned award stands modified to the extent stated above. Pending applications, if any, also stand disposed off.

12.08.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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