

2025:PHHC:003545



**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

237-A

FAO-961-2018 (O&M)

Date of Decision : 13.01.2025

MOHAN LAL AND ANR.

.... Appellants

VERSUS

GIANENDER SINGH AND ORS.

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanjeev Patiylal, Advocate for the appellants.

Mr. Amit Kundra, 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 vide award dated 31.03.2017 passed by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as 'the Tribunal').

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.	Income per month	₹6,212
2.	50% of (i) above to be added as future prospects [₹6,212 + ₹3,106]	₹9,318
3.	½ of (ii) deducted as personal expenses of the deceased _____	₹4,659
4.	Multiplicand (income + future prospects - deductions)	[₹9,318 - ₹4,659] = ₹4,659
5.	Multiplier as per Sarla Verma’s case	18
6.	Loss of dependence (Multiplicand x Multiplier) (₹4,659 x 12 x 18)	₹10,06,344
7.	Loss of love and affection to the claimants being the parents of the deceased	₹50,000
8.	Funeral Expenses	₹25,000
9.	Total	₹10,81,344
	Interest	@9% per annum

4. Learned counsel for the claimant-appellants would contend that the amount awarded under the conventional heads as well as under the head ‘loss of consortium’ is not in accordance with 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. Chola mandalam 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 scope of any enhancement.

6. Heard.
7. In the present case there is no challenge to the income of the deceased as ₹6,212 per month, addition of 50% made towards future prospects, deduction of ‘1/2’ and multiplier of ‘18’. Accordingly, the same are maintained. The only challenge is to the amount awarded under the conventional heads, which as per the learned counsel for the claimant-appellants, is on the lower side and no amount has been awarded under the head ‘loss of consortium’. 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 towards loss of estate and ₹18,000 towards funeral expenses and further the claimant-appellants, being the parents of the deceased, would also be entitled to ₹48,000 each towards loss of consortium.
8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹6,212
2.	Annual income	[₹6,212 x 12] = ₹74,544
3.	Deduction ½	[₹74,544 - ₹37,272] = ₹37,272
4.	Future prospects @ 50%	[₹37,272 + 18,636] = ₹55,908
5.	Multiplier 18	[₹55,908 x 18] = ₹10,06,344
6.	Loss of estate	₹18,000
7.	Funeral expenses	₹18,000
8.	Loss of Consortium	₹96,000
9.	Total Compensation	₹11,38,344

9. 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. Since there is no challenge to the recovery rights as awarded by the Tribunal, the same are maintained.

10. 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.

13.01.2025

Aman Jain

NOTE:

(ALKA SARIN)

JUDGE

Whether speaking/non-speaking: Speaking

Whether reportable: Yes/No