IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

111 **FAO-16-2020 (O&M)**
Date of Decision : 01.05.2025

MANJU @ MANJU SHARMA AND ORS .... Appellants

VERSUS

RAJESH KUMAR AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vivek Suri, Advocate and
Ms. Kritika Sharma, Advocate for the appellants.

Mr. Gopal Mittal, 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, Rupnagar (hereinafter referred to as 'the Tribunal') vide award dated 28.08.2019.

2. 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.

3. The Tribunal had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹20,000
2.	Annual income	[₹20,000 x 12] = ₹2,40,000
3.	Deduction 1/3rd	[₹2,40,000 - ₹80,000] = ₹1,60,000
4.	Future prospects @ 25%	[₹1,60,000 + ₹40,000] =₹2,00,000
5.	Multiplier of '14'	[₹2,00,000 x 14] = ₹28,00,000
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
8.	Loss of consortium	₹40,000
	Total Compensation	**₹28,70,000**
	Interest	**@ 7.5% per annum**

4. Learned counsel for the claimant-appellants would contend that though the claimant-appellants do not dispute the deduction @ 1/3rd, addition @ 25% made towards future prospects and the multiplier of '14' as applied by the Tribunal, however, the Tribunal has wrongly assessed the income of the deceased as ₹20,000 per month inasmuch as according to the Income Tax Returns of the deceased for the Assessment Year 2016-17 (Ex.PW-3/A) he was earning a monthly salary of ₹26,970 i.e. ₹3,23,640 per annum, after deducting the income tax prevailing at the relevant time. It is further the contention that the amounts awarded under the head 'loss of consortium' and under the conventional heads are on the lower side. In support of his contentions the learned counsel has relied upon the judgments of 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.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.

6. Heard.

7. In the present case, no appeal has been filed by respondent No.3-Insurance Company. Since there is no challenge to the deduction @ 1/3rd, the addition @ 25% made towards future prospects and the multiplier of '14' as applied by the Tribunal, the same are maintained. The Tribunal has

wrongly assessed the income of the deceased as ₹20,000 per month inasmuch as according to the Income Tax Returns for the Assessment Year 2016-17 (Ex.PW-3/A), duly proved on the record by PW-3, namely, Rakesh Kumar, Notice Server, Income Tax Office, Yamuna Nagar, Haryana, admittedly, after deducting the income tax prevailing at the relevant time, the deceased was earning a salary of ₹26,970 per month. Hence, the income of the deceased is assessed as ₹26,970 per month i.e. ₹3,23,640 per annum. Further, the amounts awarded under the conventional heads as well as under the head 'loss of consortium' are on the lower side. 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. The claimant-appellants, being widow and children of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

8. Accordingly, the reworked compensation is as under :

Sr. No.	**Heads**	**Compensation Awarded**
1.	Monthly income	₹26,970
2.	Annual income	[₹26,970 x 12] = ₹3,23,640
3.	Deduction 1/3rd	[₹3,23,640 - ₹1,07,880] = ₹2,15,760
4.	Future prospects @ 25%	[₹2,15,760 + ₹53,940] =₹2,69,700
5.	Multiplier of '14'	[₹2,69,700 x 14] = ₹37,75,800
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Spousal (ii)Filial	 ₹48,000 ₹96,000 [₹48,000 x 2] Total = ₹1,44,000
	Total Compensation	**₹39,55,800**
	Interest	**@ 7.5% per annum**

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. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal.

10. 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 respondent No.3-Insurance Company in the bank account(s) of the claimant-appellants within a period of six weeks from today. The claim of the minor claimant-appellant shall be kept in a fixed deposit by the Bank concerned. 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.

11. 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.

01.05.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

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