



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6052-2024 (O&M)
Date of Decision : 03.11.2025

Vidya Rani and Another ... Appellants

Versus

Rajan and Others ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gurvinder Singh Mehra, Advocate for the appellants.

Mr. Punit Jain, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. As per report of the Mediator, the mediation was a non-starter.
2. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, SAS Nagar (Mohali) (hereinafter referred to as ‘Tribunal’) vide the impugned award dated 04.01.2024 on account of death of Ashok Kumar (hereinafter referred to as the ‘deceased’) in a motor vehicle accident which occurred on 16.03.2022.
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	₹9,000/-

2	Annual Income	₹1,08,000/-	[₹9,000 x 12]
3	Future Prospects - 15%	₹1,24,200/-	[₹1,08,000 + ₹16,200]
4	Deduction - 1/3rd	₹82,800/-	[₹1,24,200 - ₹41,400]
5	Multiplier - 9	₹7,45,200/-	[₹82,800 x 9]
6	Loss of estate	₹15,000/-	
7	Funeral expenses	₹15,000/-	
8	Loss of consortium	₹44,000/-	
	Total Compensation	₹8,19,200/-	
	Interest	7%	

5. Learned counsel for the claimant-appellants would contend that he does not challenge the deduction, multiplier and addition towards loss of future prospects as applied by the Tribunal. However, he has contended that the income of the deceased has wrongly been assessed as ₹9,000/- per month on the basis of minimum wages applicable to an unskilled worker at the relevant point of time. The deceased in the present case was doing private work and was earning ₹25,000/- per month. Learned counsel for the claimant-appellants would contend that the compensation awarded under the conventional heads as well as under the head ‘loss of consortium’ is not in accordance with the law laid down by 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]**.

6. *Per contra*, the learned counsel for the respondent No.3- Insurance Company has vehemently argued that the income of the deceased has rightly been assessed as ₹9,000/- per month in the absence of any evidence. He has further contended that sufficient amount has already been

awarded as compensation in the present case and that there is no scope of any enhancement.

7. I have heard learned counsel for the parties.

8. Admittedly, no appeal has been preferred by the Insurance Company. In the present case, since no challenge has been laid by the learned counsel for the claimant-appellants to the deduction, multiplier and future prospects as applied by the Tribunal, the same are maintained accordingly.

9. The argument of learned counsel for the claimant-appellants that income of the deceased has wrongly been assessed as ₹9,000/- per month deserves to be rejected inasmuch as though it was claimed by the claimants that the deceased was doing private work and was earning ₹25,000/- per month, however, no evidence was led by them to prove the income of the deceased to be that of ₹25,000/- per month. In the absence of any documentary evidence, income of the deceased was rightly assessed by the Tribunal as ₹9,000/- per month as per the minimum wages applicable to an unskilled worker at the relevant point of time. Hence, income of the deceased as assessed by the Tribunal as ₹9,000/- per month, is maintained.

10. Further, the compensation awarded under the conventional heads and under the head 'loss of consortium' is 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), 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 as also 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	₹9,000/-
2	Annual Income	₹1,08,000/- [₹9,000 x 12]
3	Deduction - 1/3 rd	₹72,000/- [₹1,08,000 - ₹36,000]
4	Future Prospects - 15%	₹82,800/- [₹72,000 + ₹10,800]
5	Multiplier - 9	₹7,45,200/- [₹82,800 x 9]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 1] (ii) Spousal	₹48,000/- ₹48,000/- (Total ₹96,000/-)
	Total Compensation	₹8,77,200/-

11. 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. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

12. In view of the decision by the Hon’ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, 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. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimant-appellants 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.

13. 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.

03.11.2025
jk

(ALKA SARIN)
JUDGE

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