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

FAO-735-2019 (O&M)

Date of Decision : 16.09.2025

USHA ALIAS USHA DEVI & ORS

.... Appellants

VERSUS

SANJAY KUMAR & ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajiv Kumar Saini, Advocate for the appellants.

Mr. R.C. Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

CM-2203-CII-2019

1. This is an application for condonation of delay of 193 days in filing the appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 193 days in filing the appeal is condoned. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

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3. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as the 'Tribunal') vide award

dated 09.03.2018.

4. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹12,100
2.	Annual income	[₹12,100 x 12] = ₹1,45,200
3.	Deduction 1/4 th	[₹1,45,200 - ₹36,300] = ₹1,08,900
4.	Future prospects @40%	[₹1,08,900 + ₹43,560] = ₹1,52,460
5.	Multiplier of 15	[₹1,52,460 x 15] = ₹22,86,900
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
8.	Loss of consortium	₹40,000
	Total Compensation	₹23,56,900
	Interest	@ 6% per annum

6. Learned counsel for the claimant-appellants would contend that though the claimant-appellants do not challenge the income as assessed, the deduction, the addition made towards the future prospects and the multiplier as applied by the Tribunal, however, the amounts awarded under the conventional heads i.e. funeral expenses and loss of estate and under the head loss of consortium are 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. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

7. *Per contra*, the 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.

8. Heard.

9. In the present case, since there is no challenge to the income as assessed, the deduction, the addition made towards the future prospects and the multiplier as applied by the Tribunal, the same are accordingly maintained. The amounts awarded under the conventional heads and under the head loss of consortium are not in consonance with the law laid down by the Hon'ble Supreme Court. Hence, 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 the mother, the widow and the children of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards under the heads filial, spousal and parents consortium.

10. Accordingly, the reworked compensation to which the claimant-appellants are entitled is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹12,100
2.	Annual income	[₹12,100 x 12] = ₹1,45,200
3.	Deduction 1/4 th	[₹1,45,200 - ₹36,300] = ₹1,08,900
4.	Future prospects @ 40%	[₹1,08,900 + ₹43,560] = ₹1,52,460
5.	Multiplier of 15	[₹1,52,460 x 15] = ₹22,86,900
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Filial (ii) Spousal (iii) Parental	₹48,000 ₹48,000 [₹48,000 x 3] = ₹1,44,000 Total : ₹2,40,000
	Total Compensation	₹25,62,900

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. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal. 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]**, 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 share of the minor claimant-appellant(s) shall be kept in an FDR with a nationalized bank fetching maximum rate of interest. 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.

13. 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.

16.09.2025
Aman Jain

(ALKA SARIN)
JUDGE

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