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

FAO-1109-2020 (O&M)

Date of Decision : 22.08.2025

Jai Bhagwan & Anr

... Appellant(s)

Versus

Arjun & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vishal Jassal, Advocate for
Mr. Virender Mandhan, Advocate for the appellants.

Mr. Nitish Sharma, Advocate for respondent Nos.1 and 2.

Mr. Abhinav Singla, Advocate and
Mr. Amit Goyal, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

CM-2840-CII-2020

1. This is an application for condonation of delay of 118 days in filing the appeal.

2. For the reasons stated in the application, delay of 118 days in filing the appeal is condoned. CM stands disposed off. 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 'Tribunal'), vide the impugned award dated 20.04.2019 in a motor vehicle accident which occurred on 28.05.2018.

4. Since the factum of the accident is not in dispute, the facts are not being adverted to 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	₹9,000/-
2	Future prospects 40%	[₹9,000 + 3,600] = ₹12,600/-
3	Deduction 50%	[₹12,600 – 6,300] = ₹6,300/-
4	Multiplier of 18	[₹6,300 x 12 x 18] = ₹13,60,800/-
5	Funeral expenses	₹15,000/-
6	Loss of estate	₹15,000/-
7	Total Compensation	₹13,90,800/-
	Interest	8% per annum

6. Learned counsel for the claimant-appellants states that he does not challenge the future prospects, deduction and multiplier as applied by the Tribunal. He, however, states that the deceased was working as a motor mechanic with M/s Shiv Shakti Tyres, hence, the income of the deceased ought to have been assessed as per the minimum wage applicable for a skilled worker which was ₹9,836/- per month at the time of the accident. It is further the contention of the learned counsel that no amount has been awarded under the head ‘loss of consortium’ and further that the amount awarded under the conventional heads is also on the lower side. In support of his contentions he 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. Cholanandalam 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. I have heard the learned counsel for the parties.

9. Admittedly, no appeal has been preferred by the Insurance Company. Since no challenge has been laid by the learned counsel for the claimant-appellants to the future prospects, deduction and multiplier as assessed by the Tribunal, the same are accordingly maintained. In the present case the income of the deceased has been assessed as ₹9,000/- per month. The deceased was working as a motor mechanic with M/s Shiv Shakti Tyres. The claimant-appellants examined PW3 – Narender Goel – owner of Shiv Shakti Traders who deposed that the deceased was working as a motor mechanic with him. Hence, the income of the deceased ought to have been assessed as per the minimum wage applicable for a skilled worker which was ₹9,836/- per month at the time of the accident. Accordingly, the income of the deceased is assessed as ₹9,836/- per month.

10. Further, no amount has been awarded under the head ‘loss of consortium’ and the amount awarded under the conventional heads is also 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 and the claimants (parents of the deceased) would also be entitled 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	₹9,836/-
2	Annual Income	₹1,18,032/- [₹9,836 x 12]
3	Deduction 50%	₹59,016/- [₹1,18,032 – 59,016]
4	Future Prospects - 40%	₹82,623/- [₹59,016 + 23,607]
5	Multiplier - 18	₹14,87,214/- [₹82,623 x 18]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Filial [₹48,000/- x 2]	₹96,000/-
	Total Compensation	₹16,19,214/-

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 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.

13. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal stands modified accordingly. Pending applications, if any, also stand disposed off.

22.08.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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