



123

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

FAO-5825-2024 (O&M)

Date of Decision : 12.11.2025

MUKESH DEVI AND ORS

.... Appellants

VERSUS

MOHINDER SINGH AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Naveen Kumar, Advocate for
Mr. Anuj Balian, Advocate for the appellants.

Mr. Vinod Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

CM-22243-CII-2024

1. This is an application for condonation of delay of 58 days in filing the main appeal.
2. Notice of the application to respondent No.3 only.
3. Mr. Vinod Gupta, Advocate accepts notice on behalf of respondent No.3 and states that he has no objection if the present application is allowed.
4. In view thereof and for the reasons stated in the application, the same is allowed and the delay of 58 days in filing the main appeal is condoned.

FAO-5825-2024

5. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident

Claims Tribunal, Panipat (hereinafter referred to as the ‘Tribunal’) vide award dated 18.05.2024.

6. Notice of motion to respondent No.3 only.
7. Mr. Vinod Gupta, Advocate accepts notice on behalf of respondent No.3. With the consent of learned counsel for the parties, the main appeal is being taken up for disposal today itself.
8. 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.
9. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹10,243
2.	Annual income	[₹10,243 x 12] = ₹1,22,916
3.	Deduction 1/4 th	[₹1,22,916 - ₹30,729] = ₹92,187
4.	Future prospects @25%	[₹92,187 + ₹23,047] = ₹1,15,234
5.	Multiplier of 14	[₹1,15,234 x 14] = ₹16,13,276
6.	Medical expenses	₹2,84,500
7.	Funeral expenses	₹18,150
8.	Loss of estate	₹18,150
9.	Loss of consortium	₹48,400
	Total Compensation	₹19,82,476
	Interest	@ 7.5% per annum

10. Learned counsel appearing on behalf of the claimant-appellants would contend that though the claimant-appellants do not challenge the income as assessed, the deduction, the addition made towards future prospects, the multiplier applied, the amounts awarded towards medical

expenses and under the conventional heads by the Tribunal, however, loss of consortium has only been awarded to the wife of the deceased and not to the children and the parents of the deceased i.e. claimant-appellants No.2 to 5. In support of his contentions, the learned counsel has relied upon 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]**.

11. *Per contra*, the learned counsel for the 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.

12. Heard.

13. In the present case, since there is no challenge to the income as assessed, the deduction, the addition made towards future prospects, the multiplier applied, the amounts awarded towards medical expenses and under the conventional heads by the Tribunal, the same are accordingly maintained. Learned counsel for the claimant-appellants has argued that loss of consortium has only been awarded to the wife of the deceased and not to the children and the parents of the deceased i.e. claimant-appellants No.2 to 5. 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, being the widow, the children

and the parents of the deceased, would be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium under the head spousal, parental and filial.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹10,243
2.	Annual income	[₹10,243 x 12] = ₹1,22,916
3.	Deduction 1/4 th	[₹1,22,916 - ₹30,729] = ₹92,187
4.	Future prospects @25%	[₹92,187 + ₹23,047] = ₹1,15,234
5.	Multiplier of 14	[₹1,15,234 x 14] = ₹16,13,276
6.	Medical expenses	₹2,84,500
7.	Funeral expenses	₹18,150
8.	Loss of estate	₹18,150
9.	Loss of consortium (i) Spousal (ii) Parental (iii) Filial	₹48,000 [₹48,000 x 2] = ₹96,000 [₹48,000 x 2] = ₹96,000 Total = ₹2,40,000
	Total Compensation	₹21,74,076

15. 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.

16. 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 accounts of the claimant-appellants

within a period of six weeks from today. The particulars of the bank accounts 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.

17. 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.

12.11.2025
Aman Jain

(ALKA SARIN)
JUDGE

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