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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6248-2023 (O&M)
Date of Decision : 23.09.2025

ISMAIL AND ANR .... Appellants

VERSUS

RADHEY SHYAM AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Arjun Atri, Advocate for the appellants.

Mr. Pradeep Kumar, 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, Nuh (hereinafter referred to as the 'Tribunal') vide award dated 11.09.2023.

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 in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹7,000
2.	Annual income	[₹7,000 x 12] = ₹84,000
3.	Deduction 50%	[₹84,000 - ₹42,000] = ₹42,000
4.	Future prospects 40%	[₹42,000 + ₹16,800] = ₹58,800
5.	Multiplier of 18	[₹58,800 x 18] = ₹10,58,400
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
	Total Compensation	**₹10,88,400**
	Interest	**@ 6% per annum**

4. Learned counsel for the claimant-appellants would contend that the income of the deceased has wrongly been assessed as ₹7,000 per month as the minimum wage of an unskilled worker prevailing at the time of the accident was ₹8,633 per month. Learned counsel for the claimant-appellants would further contend that though the claimant-appellants do not challenge the deduction, the addition made towards 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 are not in accordance with law laid down by the Hon'ble Supreme Court and that no amount has been awarded under the head loss of consortium. In support of his arguments, learned counsel for the claimant-appellants has relied upon the judgments 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 has 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, the Tribunal has assessed the income of the deceased as ₹7,000 per month, however, the minimum wage of an unskilled worker prevailing at the time of the accident was ₹8,633 per month. Hence, the income of the deceased is assessed as ₹8,633 per month. Since there is no challenge to the deduction, the addition made towards future prospects and the multiplier as applied by the Tribunal, the same are maintained. The amounts awarded under the conventional heads i.e. funeral expenses and loss of estate are not in accordance with the law laid down in the cases of **Pranay Sethi** (supra), **Magma General Insurance Company Limited** (supra) and **N. Jayasree** (supra) and no amount has been awarded under the head loss of consortium. Accordingly, 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 parents of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹8,633
2.	Annual income	[₹8,633 x 12] = ₹1,03,596
3.	Deduction 50%	[₹1,03,596 - ₹51,798] = ₹51,798
4.	Future prospects 40%	[₹51,798 + ₹20,719] = ₹72,517
5.	Multiplier of 18	[₹72,517 x 18] = ₹13,05,306
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Filial	[₹48,000 x 2] = ₹96,000
	Total Compensation	**₹14,37,306**

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 AIR (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 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.

23.09.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

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