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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6106-2024 (O&M)
Date of Decision : 03.11.2025

Santosh and Another ... Appellants

Versus

Mohit Lohan and Others ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Pawan Attri, Advocate for the appellants.

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

ALKA SARIN, J. (Oral)

1. As per report of the Mediator, the mediations 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, Jind (hereinafter referred to as 'Tribunal') vide the impugned award dated 22.04.2024 on account of death of Balwan (hereinafter referred to as the 'deceased') in a motor vehicle accident which occurred on 29.08.2021.

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	₹9,704/-

2	Annual Income	₹1,16,448/-	[₹9,704 x 12]
3	Future Prospects - 10%	₹1,28,092/-	[₹1,16,448 + ₹11,644]
4	Deduction - 1/4th	₹96,069/-	[₹1,28,092 - ₹32,023]
5	Multiplier - 11	₹10,56,759/-	[₹96,069 x 11]
6	Loss of estate	₹16,500/-	
7	Funeral expenses	₹16,500/-	
8	Loss of consortium to wife	₹44,000/-	
9	Loss of consortium to children @ ₹44,000/- each.	₹1,76,000/-	
	Total Compensation	**₹13,09,759/-**	
	Interest	**7.5%**	

5. Learned counsel for the claimants 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 income of the deceased as assessed by the Tribunal is on the lower side as the deceased was an agriculturist and was also doing the business of dairy farming thereby earning ₹25,000/- per month. Learned counsel for the claimants has also contended 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. Cholamandalam 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 ₹9,704/- per month in the absence of any cogent 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 claimants that income of the deceased as assessed by the Tribunal is on the lower side deserves to be rejected. The Tribunal assessed the income of the deceased as ₹9,704/- per month as per the minimum wages applicable to an unskilled worker at the relevant point of time. Though, as per the claimants the deceased, besides being an agriculturist, was also doing the business of dairy farming and was earning ₹25,000/- per month, however, no evidence in this regard was led on record by the claimants before the Tribunal. Moreover, the Tribunal in the impugned award has observed that as per the Jamabandi (Ex.P7) for the year 2019-20, the deceased had some share in the property and some of the land was shown as *Nehri*, however, no evidence was there to show that any crop was cultivated by him on the said land. Form-J was also not produced on record by the claimants in order to prove the income of the deceased. Additionally, no document was produced to prove the income of the deceased from dairy farming. In the absence of any documentary evidence, as regards income of the deceased, the Tribunal has rightly assessed the income of the deceased on the matric of minimum wages payable to an unskilled worker in the State of Haryana at the relevant point of time. Therefore, income of the deceased as ₹9,704/- per month as assessed by the Tribunal, 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 (appellant as well as proforma respondent Nos.4 to 6) 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	₹9,704/-	
2	Annual Income	₹1,16,448/-	[₹9,704 x 12]
3	Deduction - 1/4th	₹87,336/-	[₹1,16,448 - ₹29,112]
4	Future Prospects - 10%	₹96,070/-	[₹87,336 + ₹8,734]
5	Multiplier - 11	₹10,56,770/-	[₹96,070 x 11]
6	Loss of estate	₹18,000/-	
7	Funeral expenses	₹18,000/-	
8	Loss of consortium (i) Parental [₹48,000/- x 4] (ii) Spousal	 ₹1,92,000/- ₹48,000/- (Total ₹2,40,000/-)	
	Total Compensation	**₹13,32,770/-**	

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 claimants 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 (appellants as well as proforma respondent Nos.4 to 6) 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 claimants (appellants as well as proforma respondent Nos.4 to 6) 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 **(ALKA SARIN)**
jk **JUDGE**

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