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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1428-2020 (O&M)
Date of Decision : 11.02.2026

TEJ SINGH .... Appellant

VERSUS

BADAN SINGH AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Digvijay, Advocate for
Mr. Ashish Gupta, Advocate for the appellant.

Mr. Sanjiv Pabbi, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Gurugram (hereinafter referred to as the 'Tribunal') vide award dated 07.11.2019.

2. Notice of motion to respondent No.3-Insurance Company only, who is the only contesting respondent as the liability is joint and several.

3. Mr. Sanjiv Pabbi, Advocate has put in appearance on behalf of respondent No.3-Insurance Company.

4. Learned counsel for the parties are *ad idem* that the matter may be finally heard and disposed off today itself as the only challenge in the present case is to the quantum of compensation awarded by the Tribunal. In view thereof, the matter is taken up today itself for disposal.

5. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹5,382
2.	Future prospects @ 40%	[₹5,382 + ₹2,152] = ₹7,534
3.	Deduction @ 50%	[₹7,534 - ₹3,767] = ₹3,767
4.	Annual income	[₹3,767 x 12] = ₹45,204
5.	Multiplier of 18	[₹45,204 x 18] = ₹8,13,672
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
	Total Compensation	**₹8,43,672 (rounded off to ₹8,43,700)**
	Interest	**@ 7% per annum**

7. Learned counsel for the claimant-appellant would contend that though the claimant-appellant does not challenge the income as assessed, the deduction made towards personal expenses, the addition made towards future prospects and the multiplier as applied by the Tribunal, however, the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses are on the lower side and that the claimant-appellant and proforma respondent No.4 being the father and the sister of the deceased were entitled to amount under the head filial consortium. In support of his contentions the learned counsel for the claimant-appellant 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. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

8. *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.

9. Heard.

10. Admittedly, there is no appeal filed by respondent No.3-Insurance Company. In the present case, since there is no challenge to the income as assessed, the deduction made towards personal expenses, the addition made towards future prospects and the multiplier as applied by the Tribunal, the same are maintained. The argument of the learned counsel for the claimant-appellant that the amounts awarded under the conventional heads are on the lower side and no amount has been awarded under the head loss of consortium deserve to be accepted. 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-appellant 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-appellant and proforma respondent No.4, being the father and the sister of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards filial consortium.

11. Accordingly, the reworked compensation to which the claimant-

appellants are entitled to is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹5,382
2.	Future prospects @ 40%	[₹5,382 + ₹2,152] = ₹7,534
3.	Deduction @ 50%	[₹7,534 - ₹3,767] = ₹3,767
4.	Annual income	[₹3,767 x 12] = ₹45,204
5.	Multiplier of 18	[₹45,204 x 18] = ₹8,13,672
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
	Loss of consortium Filial consortium	[₹48,000 x 2] = ₹96,000
	Total Compensation	**₹9,45,672**

12. 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-appellant and proforma respondent No.4 as directed by the Tribunal.

13. 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-appellant and proforma respondent No.4 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-appellant 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.

14. 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.

11.02.2026 **(ALKA SARIN)**
Aman Jain **JUDGE**

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