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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2016-2020 (O&M)
Date of Decision : 20.01.2026

RANI AND ORS .... Appellants

VERSUS

RAVI KUMAR AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Susheel Gautam, Advocate for the appellants.

Mr. Anil Kumar Malik, Advocate for respondents No.1 and 2.

Mr. Nigam K. Bhardwaj, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. As per the report of the Mediator, mediation 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, Panipat (hereinafter referred to as the 'Tribunal') vide award dated 04.05.2019.

3. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹8,000
2.	Annual income	[₹8,000 x 12] = ₹96,000
3.	Deduction 1/4th	[₹96,000 - ₹24,000] = ₹72,000
4.	Future prospects @ 40%	[₹72,000 + ₹28,800] = ₹1,00,800
5.	Multiplier of 17	[₹1,00,800 x 17] = ₹17,13,600
6.	Funeral expenses	₹15,000
7.	Loss of consortium (i) Spousal (ii) Filial	 ₹40,000 ₹80,000 Total = ₹1,20,000
	Total Compensation	**₹18,48,600**
	Interest	**@ 7.5% per annum**

5. Learned counsel for the claimant-appellants would contend that the income of the deceased has wrongly been assessed by the Tribunal as ₹8,000 per month though the income tax returns of the deceased for the year 2015-16 and 2016-17 were duly proved on the record as Ex.P6 and Ex.P7. Learned counsel would further contend that the only reason why the income tax returns (Ex.P6 and Ex.P7) have been ignored is that there was no return filed for the year 2014-15 and as such the income tax returns for the year 2015-16 and 2016-17 were also not considered. Learned counsel for the claimant-appellants would further contend that though the claimant-appellants do not challenge the deduction made on account of personal expenses, the addition made towards future prospects and the multiplier applied by the Tribunal, however, the amounts awarded under the conventional heads and under the head loss of consortium are on the lower side. There are six claimant-appellants in the present case i.e. the widow, two minor children, the father (who is 18% physically challenged), the mother and the brother (who is 75% mentally challenged) as stated in the claim petition.

6. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that the income of the deceased has rightly been assessed by the Tribunal as ₹8,000 per month in view of the fact that the income tax return for the year 2014-15 was not produced on the record. It is further the contention of the learned counsel that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

7. Heard.

8. In the present case since there is no challenge to the deduction made on account of personal expenses, the addition made towards future prospects and the multiplier applied by the Tribunal, the same are maintained. The argument of the learned counsel for the claimant-appellants that the income of the deceased as ₹8,000 per month has wrongly been assessed by the Tribunal deserves to be accepted. The claimant-appellants had produced on the record Ex.P5 to Ex.P7 which are the income tax returns of the deceased. The income tax returns for the year 2016-17 (Ex.P7) show the income of the deceased as ₹2,67,411 per annum and for the year 2015-16 (Ex.P6) as ₹2,66,552 per annum. In the assessment year 2014-15 (Ex.P5) the income of the deceased was ₹2,19,710 per annum. However, since the income tax return for the year 2014-15 was not produced by the claimant-appellants, the income tax returns for the year 2015-16 and 2016-17 were also ignored by the Tribunal. Once the income tax returns have been produced on the record and proved, the Tribunal ought to have assessed the income of the deceased as per the income tax returns. As per the income tax return for the year 2016-17, the

income of the deceased comes to ₹22,300 per month approximately. Accordingly, the income of the deceased is assessed as ₹22,300 per month.

9. Further, the amounts awarded under the conventional heads and under the head loss of consortium are on the lower side. As per 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. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**, 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 widow, two minor children, the father (who is 18% physically challenged), the mother and the brother (who is 75% mentally challenged) as stated in the claim petition, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

10. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹22,300
2.	Annual income	[₹22,300 x 12] = ₹2,67,600
3.	Deduction 1/4th	[₹2,67,600 – ₹66,900] = ₹2,00,700
4.	Future prospects 40%	[₹2,00,700 + ₹80,280] = ₹2,80,980
5.	Multiplier of 17	[₹2,80,980 x 17] = ₹47,76,660
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
	Loss of consortium (i) Spousal (ii) Parental (iii) Filial	 ₹48,000 [₹48,000 x 2] = ₹96,000 [₹48,000 x 3] = ₹1,44,000 Total = ₹2,88,000
	Total Compensation	**₹51,00,660**

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. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal.

12. 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 share of the minor claimant-appellants shall be kept in an FDR with a nationalized bank fetching maximum rate of interest. 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.

13. 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.

20.01.2026 **(ALKA SARIN)**
Aman Jain **JUDGE**

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