



FAO No.5146 of 2019 (O&M)

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

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FAO No.5146 of 2019 (O&M)

Date of decision: January 28th, 2026

Surmila and others

...Appellants

Versus

Birahmpal and others

...Respondents

CORAM: HON'BLE MR. JUSTICE VIKAS BAHL

Present: Mr. Ashok Kaushik and Mr. Ankur Kaushik, Advocates
for the appellants.

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

VIKAS BAHL, J. (ORAL)

1. Widow, two minor children and parents of deceased-Pradeep Singh, who had died in a motor vehicular accident which took place on 05.11.2016, have filed the present appeal for enhancement of compensation. The Motor Accidents Claims Tribunal vide award dated 01.11.2018 had awarded an amount of ₹15,28,000/- along with interest to the appellants as compensation. The only issue that arises in the present appeal is as to whether the appellants are entitled to enhancement of the said compensation, as the other aspects have not been disputed before this Court.

2. Learned counsel for the appellants has submitted that in the present case, the benefit of additional 40% of salary on account of future prospects has not been awarded to the appellants, which is required to be given to the appellants. It is further submitted that for loss of consortium, only ₹40,000/- has been awarded, whereas there are five claimants and thus, as per settled law, a total amount of ₹2,40,000/- (48000 X 5) is to be



awarded to the appellants on the said account. It is submitted that the total amount to which the appellants are entitled is ₹23,11,200/-, whereas the Tribunal has awarded an amount of ₹15,28,000/- and thus, the present appellants are entitled to additional compensation of ₹7,83,200/-. The chart submitted by the counsel for the appellants is reproduced hereinbelow:

“Income assessed = 9,000/-

Future Prospects = 40% → 3600/-

(as per 24 year old age)

= 9000+3600=12,600

1/4th Deduction = 3150 → 12,600-3150=9450

9450 X 12 = 1,13,400

Multiplier of 18 = 18 X 1,13,400

→ 20,41,200

Loss of consortium = 48,000

Total Dependent = 5 → 48,000 X 5

→ 2,40,000

Funeral Expenses & Transportation → 30,000

Total → 20,41,200
+02,40,000
+ 30,000
23,11,200

Awarded Amount → 15,28,000
Difference → 07,83,200”

3. Learned counsel for the appellants has submitted that the said amount of additional compensation be awarded to the appellants along with 9% per annum interest. In support of his arguments, learned counsel for the appellants has relied upon the law laid down by the Hon'ble Supreme Court



in case titled as *Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram and others* reported as (2018) 18 SCC 130 and *National Insurance Company Limited Vs. Pranay Sethi and Others* (2017) 16 SCC 680.

4. Learned counsel for respondent No.3, on the other hand, has relied upon the judgment dated 17.12.2025 of the Hon'ble Supreme Court in the case of *Hasina Yasmin & Ors. Versus National Insurance Co. Ltd. & Anr.* passed in SLP (C)No.27285 of 2025 to contend that the enhancement of 10% every three years including that with respect to loss of consortium was with respect to accidents which had occurred after 2017 and the first enhancement of 10% was to be applied in the year 2020. It is submitted that in the said case, the Hon'ble Supreme Court had further observed that the amount of ₹40,000/- on account of loss of consortium per claimant would be paid in case the accident is prior to 2017 and it is only in case the accident is after 2017, the benefit of increase is to be given after the lapse of three years from 2017. It is submitted that although the Hon'ble Supreme Court had referred the matter to a Larger Bench but it had been observed that till the time the said issue is decided by the Larger Bench, the claimants would be entitled to an amount of ₹40,000/- on account of loss of consortium in case the accident is prior to 2017, which is the case in the present case.

5. Learned counsel for the appellants has very fairly submitted that in view of the said judgment, the additional compensation on account of loss of consortium payable to the appellants would be ₹40,000/- for each appellant and the appellants would be entitled to an additional compensation of ₹7,43,200/-.



6. This Court has heard the learned counsel for the parties and has perused the paper book.
7. The amount sought on account of future prospects is in accordance with law and thus, deserves to be granted. With respect to the amount on account of loss of consortium, it is not disputed that there are five claimants and after taking into consideration the objection raised by the counsel for the Insurance Company, the claimants would be entitled to an amount of ₹2,00,000/- (40000 X 5). The said aspect has not been disputed by the appellants before this Court. The appellants would thus, be entitled to an additional compensation of ₹7,43,200/-. This Court has been repeatedly granting interest at the rate of 7.5% per annum, which rate of interest is also reasonable in the present case.
8. Keeping in view the abovesaid facts and circumstances, the present appeal is partly allowed and the award dated 01.11.2018 passed by the Motor Accidents Claims Tribunal is modified and respondent No.3- Insurance Company is directed to pay additional compensation of ₹7,43,200/- along with interest at the rate of 7.5% per annum from the date of filing of the claim petition till its realisation within a period of six weeks from today.
9. Pending application, if any, also stands disposed of.

January 28th, 2026
Puneet

(VIKAS BAHL)
JUDGE

Whether speaking/reasoned:	Yes
Whether reportable:	No