

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****129****Date of decision: 13.01.2026****FAO-2177-2025(O&M)****Maya & Others****...Appellant(s)****Vs.****Parvesh & Others****...Respondent(s)***********CORAM: HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:- Ms. Shivani Jaglan, Advocate
for the appellants.

Mr. R.C. Kapoor, Advocate
for respondent No.3.

*********NIDHI GUPTA, J.**

Present appeal has been filed by claimants seeking enhancement of compensation of Rs.14,92,000/- awarded by the Motor Accident Claims Tribunal, Panipat (hereinafter 'the learned Tribunal') vide Award dated 04.11.2024 passed in MACT Case No.454 dated 22.10.2021 filed under Sections 166 and 140 of the Motor Vehicles Act (hereinafter "the Act"). The 6 claimants are the 45-year-old widow, 22-year-old daughter, 20-year-old son, 18-year-old daughter, 16-year-old daughter and 59-year-old mother of deceased Surender, who was 48 years old at time of accident.

2. Brief facts of the case are that the Id. Tribunal on the basis of pleadings and oral & documentary evidence adduced by the parties,



concluded that deceased Surender had died due to the injuries suffered by him in a motor vehicular accident that took place on 05.09.2021 at about 5 am due to the rash and negligent driving of TATA Tiago bearing registration No.HR-75C-5747 (hereinafter referred to as “the offending vehicle”) being driven by respondent No.1, owned by respondent No.2 and insured by respondent No.3. The said compensation has been awarded along with interest @ 7% per annum. Respondents were held jointly and severally liable for payment of compensation amount.

3. It is inter alia submitted by learned counsel for the appellants that compensation deserves to be enhanced as income of the deceased has been taken on the lower side as only Rs.9,720/- per month. It is submitted that the appellants had duly proved on record that the deceased was a Painter Contractor and was earning Rs.25,000/- per month. Yet the learned Tribunal has assessed income of the deceased as only Rs.9,720/- per month. It is further submitted that nothing has been awarded to the claimants No.2 to 6 towards filial and parental consortium.

4. Heard.

5. Notice of motion.

6. On the asking of the Court, Mr. R.C. Kapoor, Advocate appears and accepts notice on behalf of respondent No.3/Insurance Company. Learned counsel for respondent No.3 opposes the submissions advanced on behalf of the appellants and submits that the impugned Award suffers from no error; and that the present appeal deserves to be dismissed.



7. No other argument is made on behalf of the parties. I have heard learned counsel and perused the case file in detail.
8. Upon giving my due consideration to the rival contentions of both the parties, I find some merit in the submissions made on behalf of learned counsel for the appellants.
9. It is the case of the appellants that deceased was a Painter-Contractor and was earning Rs.25,000/- per month. However, no evidence was led by them to substantiate the said assertion. In the absence of any evidence, the learned Tribunal had therefore correctly taken income of the deceased as Rs.9,720/- per month, as per the Minimum Wages prevailing in the State of Haryana at the time.
10. Age of the deceased was determined to be 48 years on the basis of his Post-Mortem Report (Ex.P3). Accordingly, the Tribunal had made an addition of 25% towards future prospects; and correctly applied multiplier of 13. As there were six claimants, deduction of 1/4th was correctly made.
11. Under the conventional heads, the learned Tribunal has only awarded spousal consortium of Rs.40,000/- to the claimant No.1/widow; and Rs.15,000/- each towards loss of estate and funeral expenses. I find merit in the argument of learned counsel for the appellants that filial and parental consortium is liable to be granted to claimants No.2 to 6. As per latest judgment of the Hon'ble Supreme Court in **Hasina Yasmin v. National Insurance Co. Ltd., (SC) ; law Finder Doc ID # 2826989**; while referring the



matter to Larger Bench, it has been directed that in the interregnum only a sum of Rs.40,000/- is to be awarded as consortium and Rs.15,000/- each towards funeral expenses and loss of estate - without 10% increase.

12. In view of the above, compensation awarded to the appellants is re-assessed in the following manner:-

Head	Awarded by learned Tribunal	Re-assessed compensation
Income	Rs.9,720/- per month	Rs.9,720/- per month
Future prospects of 25%	Rs.9,720/- + Rs.2,430/- = Rs.12,150/-	Rs.9,720/- + Rs.2,430/- = Rs.12,150/-
1/4th deduction as personal expenses	Rs.12,150/- - Rs.3,037/- = Rs.9,113/-	Rs.12,150/- - Rs.3,037/- = Rs.9,113/-
Multiplier of 13	Rs.9,113/- x 12 x 13 = Rs.14,21,620/-	Rs.9,113/- x 12 x 13 = Rs.14,21,628/-
Loss of consortium to the widow only	Rs.40,000/-	Rs.40,000/-
Loss of estate	Rs.15,000/-	Rs.15,000/-
Funeral expenses	Rs.15,000/-	Rs.15,000/-
Consortium to claimants No.2 to 6	Nil	Rs.40,000/- x 5 = Rs.2,00,000/-
Total	Rs.14,91,620/- rounded off to Rs.14,92,000/-	Rs.16,91,628/- rounded off to Rs.16,92,000/-

13. Present appeal stands **partly allowed** in above terms.

14. Pending application(s) if any also stand(s) disposed of.

13.01.2026

Sunena

(Nidhi Gupta)

Judge

Whether speaking/reasoned: Yes/No

Whether reportable: Yes/No