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

FAO-2945-2019 (O&M)
Date of decision : 12.03.2026

Harinder Kaur and others

...Appellants

Versus

Gurpreet Singh and others

...Respondents

CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN

Present: Mr. G.K. Hundal, Advocate,
for the appellants.

None for respondent No.3-Insurance Company.

HARPREET KAUR JEEWAN, J.

1. Appellants-Legal Representatives are seeking enhancement of the compensation awarded by the Motor Accident Claims Tribunal, SAS Nagar, Mohali (hereinafter referred to as the "Tribunal"), regarding the death of Rohit Kumar, in a roadside accident, which took place in on 19.04.2018.

2. As per the brief facts, on 19.04.2018, the deceased was riding his motorcycle from Morinda towards Chamkaur Sahib. An Indigo Car bearing registration No.PB-16D-2060, being driven by respondent No.1 came from the opposite side and struck against the motorcycle. Resultantly, the deceased fell on the road and died on the spot.



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2.1 FIR No.84 dated 20.04.2018, under Sections 279, 304-A of the Indian Penal Code, 1860 was registered at the behest of Rajinder Singh (PW-2), an eyewitness of the accident.

2.2 The widow, minor sons and parents of the deceased file claim petition under Section 166 of the Motor Vehicle Act, 1988 before the Tribunal for grant of compensation.

2.3 Eye-witness Rajinder Singh appeared as PW-2 before the Tribunal.

2.4 The Tribunal after considering the evidence came to the conclusion that the accident took place due to rash and negligent driving of the car by respondent No.1.

2.5 The Tribunal considered the age of the deceased as 44 years; assessed the income of the deceased as Rs.8,000/- per month, considering him as a skilled worker; and the Insurance Company of the car was ordered to pay a sum of Rs.13,30,000/- as compensation to the appellant-claimants as per the following calculations:-

Sr. No.	Heads	Compensation Awarded
1.	Annual income	Rs.8000/- X 12 = 96,000/-
2.	25% future prospects	Rs.24,000/-
3.	Total annual income of deceased	Rs.1,20,000/-
4.	Personal and living expenses (1/4)	Rs.30,000/-
5.	Income after deduction of personal and living expenses	Rs.90,000/-
6.	Multiplier	14 (Seventeen) (sic. Fourteen)
7.	Loss of dependency	Rs.90,000/- X 14 = 12,60,000/-
8.	Funeral expenses	Rs.15,000/-
9.	Loss of estate	Rs.15,000/-
10.	Loss of consortium	Rs.40,000/-
	Total :	Rs.13,30,000/-

2.6 The present appeal filed by the claimants seeking enhancement has been contested by the Insurance Company.



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3. Learned counsel for the appellants contends that compensation on account of loss consortium has not been allowed to all the claimants. Even the compensation under the conventional heads awarded by the Tribunal is on the lower side. Cites *National Insurance Company Ltd. vs. Pranay Sethi & Ors., (2017) 16SCC 680* and *Magma General Insurance Company Limited vs. Nanu Ramalias Chuhru Ram & Ors., (2018) 18 SCC 130*.

4. *Per contra*, learned counsel for the Insurance Company contends that the compensation awarded is already on the higher side.

5. I have heard the learned counsel for the parties and perused the paper book.

6. Keeping in view the law laid down by the Hon'ble Apex Court in Magma's case (supra), the consortium is also required to be allowed to appellant Nos.2 to 5, who are the minor sons and parents of the deceased. Similarly, compensation under the other conventional heads is also on the lower side and needs to be enhanced.

7. In view of the facts and circumstances of this case and the decisions referred to hereinabove, the compensation is re-worked as under:-

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	Rs.8,000/-
2.	Annual income	Rs.96,000/- [Rs.8,000 x 12]
3.	Deduction $\frac{1}{4}^{\text{th}}$	Rs.72,000/- [Rs.96,000 – Rs.24,000]
4.	Future prospects @ 25%	Rs.90,000/- [Rs.72,000+ Rs.18,000]
5.	Multiplier of '14'	Rs.12,60,000/- [Rs.90,000/- x 14]
6.	Loss of dependency	Rs.12,60,000/-
7.	Funeral expenses	Rs.18,000/-
8.	Loss of estate	Rs.18,000/-
9.	Loss of consortium (spousal, filial and parental)	Rs.2,40,000/- [Rs.48,000/- x 5]
	Total Compensation	Rs.15,36,000/-
	Interest @ 7.5% per annum	On excess amount



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8. In view of the decision by the Hon'ble Supreme Court in *Parminder Singh vs. Honey Goyal & Ors., 2025 INSC 361*, after calculation of the enhanced amount, the same shall be transferred by respondent No.3-Insurance Company in the Bank Accounts of the claimant-appellants within a period of 06 weeks from today. The particulars of the bank account(s) 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.

9. In view of the above discussion, the present appeal is partly allowed and the Award of the Tribunal is modified accordingly.

10. Pending Miscellaneous Application(s), if any, shall also stand disposed of.

12.03.2026

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[HARPREET KAUR JEEWAN]
JUDGE

Whether speaking / reasoned :
Whether Reportable :

Yes	No
Yes	No