122-1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3057-2023 (O&M)
Date of Decision : 04.02.2026

RAMPHAL AND ANR .... Appellants

VERSUS

SALIM KHAN AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Prashant Singh Chauhan, Advocate for the appellants.

Mr. Vinod Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as the 'Tribunal') vide award dated 05.12.2022.

2. 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.

3. The Tribunal had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹10,500
2.	Annual income	[₹10,500 x 12] = ₹1,26,000
3.	Deduction 1/3rd	[₹1,26,000 - ₹42,000] = ₹84,000
4.	Future prospects @ 40%	[₹84,000 + ₹33,600] = ₹1,17,600
5.	Multiplier of '17'	[₹1,17,600 x 17] = ₹19,99,200
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
8.	Loss of consortium	₹25,000
	Total Compensation	**₹20,54,200**
	Interest	**@ 7.5% per annum**

4. Learned counsel for the claimant-appellants would contend that though the income of the deceased has been assessed as per the salary slips (Ex.PW4/F), however, in addition the deceased was earning ₹20,000 per month by doing computer work. It is further the contention of the learned counsel that the deceased was earning an amount of ₹40,000 per month. Learned counsel would further contend that the Tribunal while assessing the income has taken the last drawn salary however the average of the salary drawn by the deceased for the last three months ought to have been taken which would come to ₹11,000 per month. Though the claimant-appellants do not challenge the deduction, the addition made towards the 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 and under the head loss of consortium are on the lower side. In support of his contentions the learned counsel for the claimant-appellants 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]**.

5. *Per contra*, the learned counsel for respondent No.3-Insurance Company has contended that there is not an iota of evidence on the record to show that the deceased was earning ₹40,000 per month. Even as per the salary slips (Ex.PW4/F) for the months of August, September and October 2019, the deceased had earned ₹11,407, ₹11,924 and ₹10,945 and that the Tribunal had

rightly taken the last drawn salary and rounded off to ₹10,500 per month. Learned counsel has further contended that there is no evidence on the record that the deceased was doing any other work as has been alleged. It is further the contention that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

6. Heard.

7. In the present case the argument of the learned counsel for the claimant-appellants that the deceased was earning ₹40,000 per month and as such his income has wrongly been assessed by the Tribunal deserves to be rejected. There is no evidence on the record to even remotely suggest that the deceased was earning ₹40,000 per month. Even as per the salary slips (Ex.PW4/F) for the months of August, September and October 2019, produced on record by the claimant-appellants, the deceased had earned ₹11,407, ₹11,924 and ₹10,945. The Tribunal while assessing the income has taken the last drawn salary of the deceased. As per the bank statement (Ex.P15), in the month of October 2020 the deceased had earned ₹10,539/-. Since there is a difference in the salary for the months of August, September and October 2019 and the month of October 2020, it would be prudent to take an average of the salary, which was being drawn by the deceased, which comes to about ₹11,000 per month. Hence, the income of the deceased is assessed as ₹11,000 per month. Since there is no challenge to the deduction, the addition made towards the future prospects and the multiplier as applied by the Tribunal, the same are maintained.

8. Further, the amounts awarded under the conventional heads and under the head loss of consortium are on the lower side. Hence, 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-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 and proforma respondent No.4, being the parents and the widow of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium. The re-worked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹11,000
2.	Annual income	[₹11,000 x 12] = ₹1,32,000
3.	Deduction 1/3rd	[₹1,32,000 - ₹44,000] = ₹88,000
4.	Future prospects @ 40%	[₹88,000 + ₹35,200] = ₹1,23,200
5.	Multiplier of '17'	[₹1,23,200 x 17] = ₹20,94,400
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium i. Spousal ii. Filial	 ₹48,000 [₹48,000 x 2] = ₹96,000 Total = ₹1,44,000
	Total Compensation	**₹22,74,400**

9. 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 and proforma respondent No.4 as directed by the Tribunal.

10. 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 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-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.

11. 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.

04.02.2026 **(ALKA SARIN)**
Aman Jain **JUDGE**

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