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

FAO-3740-2023 (O&M)

Date of Decision : 06.03.2026

Birmati & Anr

... Appellant(s)

Versus

Mohit & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ketan Antil, Advocate for the appellants.

Mr. P.H.S. Pannu, Advocate and
Mr. Sarthak Mehta, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

CM-12309-CII-2023

1. For the reasons stated in the application, delay of 120 days in filing the appeal is condoned. CM stands disposed off. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

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2. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Sonipat (hereinafter referred to as 'Tribunal') vide the impugned award dated 20.10.2022 in a motor vehicle accident which occurred on 15.12.2019.

3. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

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

compensation to the parents (appellants herein) on account of death of their son - Krishan :

Sr.No.	Heads	Compensation Awarded
1	Monthly Income	₹10,969/-
2	Future Prospects - 40%	₹15,357/- [₹10,969 + ₹4,388]
3	Annual Income	₹1,84,284/- [₹15,357 x 12]
4	Deduction - 50%	₹92,142 [₹1,84,284 - ₹92,142]
5	Multiplier - 17	₹15,66,414/- [₹92,142 x 17]
6	Loss of estate	₹16,500/-
7	Funeral expenses	₹16,500/-
8	Loss of filial consortium	₹40,000/-
	Total Compensation	₹16,39,414/- (rounded off to ₹16,39,500/-
	Interest	7.5%

5. Learned counsel for the claimant-appellants would contend that he does not challenge the deduction, addition of future prospects and multiplier as applied by the Tribunal. He, however, states that the deceased - Krishan - who was 28 years of age at the time of the accident, was a driver and was driving Heavy Motor Vehicles/Transport Vehicles. Learned counsel has referred to Ex.P10, which is a driving licence of the deceased - Krishan - which clearly reveals that the same is for Transport/Heavy Motor Vehicles. Learned counsel would further contend that the minimum wage applicable for a driver of a transport/heavy motor vehicle prevailing at the time of the accident was ₹11,517.45 per month, hence, his income ought to have been assessed as ₹11,517.45 per month. It is further the contention of the learned counsel that the compensation awarded under the conventional heads as well as under the head ‘loss of consortium’ is not in accordance with 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. Chola mandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642].

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 as besides the driving licence, there is no other evidence on the record. 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.

7. I have heard the learned counsel for the parties.

8. Admittedly, no appeal has been preferred by the Insurance Company. In the present case, since no challenge has been laid by the learned counsel for the claimant-appellants to the addition of future prospects, deduction and multiplier as applied by the Tribunal, the same are maintained accordingly.

9. The argument of the learned counsel for the claimant-appellants that the income of the deceased has been assessed on the lower side deserves to be accepted inasmuch as in the present case the deceased is said to be a driver who used to drive a heavy motor vehicle/transport vehicle. The driving licence of the deceased (Ex.P10), relied upon by the learned counsel for the claimant-appellants, reveals that he was holding a driving licence for driving a heavy motor vehicle/transport vehicle. The minimum wage for a driver of a heavy motor vehicle/transport vehicle at the relevant time was ₹11,517.45 per month. Hence, keeping in view the fact that the driving licence of the deceased which is for driving heavy motor vehicles/transport vehicles, the income of the deceased is assessed as that of a driver of a heavy motor vehicle/transport vehicle, which was ₹11,517.45 per month rounded off to ₹11,520/- per month.

10. Further, the compensation awarded under the conventional heads and under the head ‘loss of consortium’ is not 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), hence, the claimants would be entitled to ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses and the claimants (parents of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹11,520/-
2	Annual Income	₹1,38,240/- [₹11,520 x 12]
3	Deduction - 50%	₹69,120/- [₹1,38,240 - ₹69,120]
4	Future Prospects - 40%	₹96,768/- [₹69,120 + ₹27,648]
5	Multiplier - 17	₹16,45,056/- [₹96,768 x 17]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Filial [₹48,000/- x 2]	₹96,000/-
	Total Compensation	₹17,77,056/-

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. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

12. In view of the decision by the Hon’ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 2025 SCC OnLine SC 567]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimants

within six weeks from today and the apportionment thereof shall be as per the direction of the Tribunal. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimants to the Insurance company within a period of two weeks from the date of this order and needful shall be done by the Insurance Company after verification thereof within four weeks thereafter alongwith 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 stands modified accordingly. Pending applications, if any, also stand disposed off.

06.03.2026
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO