218-1

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1725-2009 (O&M)
Date of Decision : 25.02.2026

Sudesh Rani and Others ... Appellants

Versus

Balbir Singh and Others ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Kotla, Advocate for the appellants.

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

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Fatehabad (hereinafter referred to as 'Tribunal'), vide the impugned award dated 18.11.2008 on account of death of Baldev Singh @ Billu (hereinafter referred to as the 'deceased') in a motor vehicle accident which occurred on 31.10.2006.

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

3. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹3,000/-
2	Deduction - 1/3rd	₹2,000/- [₹3,000 - ₹1,000]
3	Annual Income	₹24,000/- [₹2,000 x 12]

4	Multiplier - 17	₹4,08,000/- [₹24,000 x 17]
5	Funeral expenses and loss of consortium	₹10,000/-
	Total Compensation	**₹4,18,000/-**
	Interest	**9% per annum**

4. Learned counsel for the claimant-appellants would contend that he does not challenge the income and the deduction as assessed by the Tribunal. However, he has contended that no addition has been made towards loss of future prospects which ought to have been 40% inasmuch as the deceased was 22 years of age at the time of the accident. It has further been contended that the Tribunal has wrongly applied a multiplier of '17', which ought to have been '18' keeping in view the age of the deceased being 22 years. It is further the contention of learned counsel for the claimant-appellant 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 support of his contentions, learned counsel for the claimant-appellants has relied upon the judgments of the Hon'ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121], 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 the respondent No.3-Insurance Company has vehemently contended 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. 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 income and the deduction as assessed by the Tribunal, the same is maintained accordingly.

8. The Tribunal has not made any addition towards loss of future prospects. The deceased was admittedly 22 years of age, hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 40% addition is made towards future prospects. Further, in the present case, the Tribunal has wrongly applied a multiplier of '17'. As per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), a multiplier of ''18' would be applicable as the deceased was admittedly 22 years of age at the time of the accident.

9. 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 as also 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	₹3,000/-
2	Annual Income	₹36,000/- [₹3,000 x 12]
3	Deduction - 1/3rd	₹24,000/- [₹36,000 - ₹12,000]
4	Future Prospects - 40%	₹33,600/- [₹24,000 + ₹9,600]
5	Multiplier - 18	₹6,04,800/- [₹33,600 x 18]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-

8	Loss of consortium (i) Filial [₹48,000/- x 2] (ii) Spousal	 ₹96,000/- ₹48,000/- (Total ₹1,44,000/-)
	Total Compensation	**₹7,84,800/-**

10. 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.

11. 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 percentage directed by the Tribunal. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimant-appellants 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.

12. In view of the above discussion, the award passed by the Tribunal is modified and the present appeal stands allowed accordingly. Pending applications, if any, also stand disposed off.

25.02.2026 **(ALKA SARIN)**
jk **JUDGE**

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