



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2136-2021 (O&M)

Date of Decision : 04.02.2026

Sunita Devi and Others

... Appellants

Versus

Bahadur Singh and Another

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ankit Saini, Advocate for
Mr. R.K. Saini, Advocate for the appellants.

Mr. Sanjeev Kodan, Advocate for respondent No.2.

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, Kurukshetra (hereinafter referred to as ‘Tribunal’) vide the impugned award dated 04.03.2020 on account of death of Chiman Ram @ Chiman Lal in a motor vehicle accident which occurred on 15.09.2018.
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	₹8,500/-
2	Annual Income	₹1,02,000/- [₹8,500 x 12]
3	Deduction - 1/4th	₹76,500/- [₹1,02,000 - ₹25,500]
4	Future Prospects - 25%	₹95,625/- [₹76,500 + ₹19,125]
5	Multiplier - 15	₹14,34,375/- [₹95,625 x 15]

6	Loss of estate	₹15,000/-
7	Funeral expenses	₹15,000/-
8	Loss of consortium	₹40,000/-
	Total Compensation	₹15,04,375/-
	Interest	7.5% per annum

4. Learned counsel for the claimant-appellants would contend that that he does not challenge the income, deduction and the multiplier as applied by the Tribunal. He, however, states that the Tribunal has made an addition of 25% towards loss of future prospects which ought to have been 40% keeping in view the age of the deceased, who was 40 years of age at the time of the accident. It is further the contention 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 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*, learned counsel for respondent No.2-Insurance Company has vehemently argued 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, deduction and the multiplier as applied by the Tribunal, the same are maintained accordingly.

The argument of learned counsel for the claimant-appellants that the Tribunal has wrongly made an addition of 25% towards loss of future prospects, deserves to be accepted. The deceased in the present case was 40 years of age and as per law laid down by Hon’ble Supreme Court in case of **Pranay Sethi (supra)**, an addition of 40% would be applicable towards loss of future prospects.

8. 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 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 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	₹8,500/-
2	Annual Income	₹1,02,000/- [₹8,500 x 12]
3	Deduction - 1/4th	₹76,500/- [₹1,02,000 - ₹25,500]
4	Future Prospects - 40%	₹1,07,100/- [₹76,500 + ₹30,600]
5	Multiplier - 15	₹16,06,500/- [₹1,07,100 x 15]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 3] (ii) Filial [₹48,000/- x 2] (iii) Spousal	₹1,44,000/- ₹96,000/- ₹48,000/- (Total ₹2,88,000/-)
	Total Compensation	₹19,30,500/-

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.

10. 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 and the share of the minor claimant (appellant No.4 herein) shall be kept in fixed deposits by the Bank concerned. 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.

11. 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.

04.02.2026
jk

(ALKA SARIN)
JUDGE

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