

3. In the present case, the deceased – Balraj – was 36 years of age. The accident took place on 07.09.2006 with the offending bus bearing registration No.PB-11-AB-7991. The Tribunal had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹3,500/-
2	Annual Income	₹42,000/- [₹3,500 x 12]
3	Deduction - 1/3rd	₹28,000/- [₹42,000 - ₹14,000]
4	Multiplier - 16	₹4,48,000/- [₹28,000 x 16]
5	Funeral expenses	₹10,000/-
6	Loss of consortium	₹5,000/-
	Total Compensation	₹4,63,000/-
	Interest	7.5%

4. Learned counsel for the owner of the offending bus would contend that the income of the deceased has wrongly been assessed on the higher side i.e. ₹3,500/- per month inasmuch as the minimum wage for an unskilled worker prevailing at the relevant point of time was ₹2,484/- per month. It is further the contention of the learned counsel that the deceased was 36 years of age, hence, a multiplier of ‘15’ ought to have been applied instead of ‘16’.

5. *Per contra* learned counsel for the claimants would contend that the income of the deceased and the multiplier have rightly been assessed by the Tribunal. Learned counsel would further contend that in the present case there are four claimants i.e three minor children and widow of the deceased, hence, deduction of 1/3rd has wrongly been applied which ought to have been 1/4th. It is further the contention of the learned counsel that no addition has been made towards future prospects which ought to have been 40% as the deceased was 36 years of age at the time of the accident. 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 support of his contentions, he 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].

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

7. The argument of learned counsel for the owner of the offending bus that the income of the deceased has wrongly been assessed on the higher side deserves to be accepted inasmuch as the minimum wage applicable to an unskilled worker at the time of the accident was ₹2,484/- per month. Accordingly, the income of the deceased is assessed as ₹2,484/- per month which is rounded off to ₹2,500/- per month. Further, the argument of the learned counsel for the owner of the offending bus that a multiplier of '16' has wrongly been applied also deserves to be accepted inasmuch as the deceased was 36 years of age at the time of the accident and as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), multiplier of '15' would be applicable.

8. The argument of the learned counsel for the claimants that a deduction of 1/3rd has wrongly been applied deserves to be accepted inasmuch as in the present case the number of claimants is four, hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra),

a deduction of 1/4th would be applicable. The argument of the learned counsel for the claimants that no addition has been made towards future prospects also deserves to be accepted inasmuch as the deceased was admittedly 36 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, the argument of the learned counsel for the claimants that 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 also deserves to be accepted keeping in view the law laid down 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 (widow and three minor children of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium.

9. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹2,500/-
2	Annual Income	₹30,000/- [₹2,500 x 12]
3	Deduction - 1/4 th	₹22,500/- [₹30,000 - ₹7,500]
4	Future Prospects - 40%	₹31,500/- [₹22,500 + ₹9,000]
5	Multiplier - 15	₹4,72,500/- [₹31,500 x 15]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 3] (iii) Spousal's	₹1,44,000/- ₹48,000/- (Total ₹1,92,000/-)
	Total Compensation	₹7,00,500/-

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 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.

12. In view of the above, the impugned award passed by the Tribunal stands modified and the appeals being **FAO-71-2009** filed by the Pepsu Road Transport Corporation and **FAO-3281-2009** filed by the claimants are disposed off accordingly. Pending applications, if any, also stand disposed off.

12.01.2026
Yogesh Sharma

(**ALKA SARIN**)
JUDGE

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