



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-5237-2023 (O&M)
Date of Decision: March 10, 2026

Sarita and others
...Appellants

VERSUS

Rattan Lal and others
...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

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

ARCHANA PURI, J.

The present appeal has been filed by the appellants-claimants, thereby, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, on account of death of Pawan Kumar, in a motor vehicular accident, which took place on 28.01.2018.

At this stage, learned counsel for the appellants submits that the earnings of the deceased, as such, were assessed on the basis of prevalent minimum wages, as per the notification of the Haryana Government and the same were taken as Rs.8497/- per month and work on of the compensation was further made, as observed in paragraph No.9 of the impugned Award, which in tabular form is herein reproduced:-

Medical expenses	Rs.85,671/-
Rich diet, attendants, transportation, visitors etc.	Rs.36,000/-
Monthly income	Rs.5665/-
Annual income (5665x12)	Rs.67,980/-



Plus Future prospects @ 25%	Rs.16,995/-
Total amount (Annual income)	Rs.84,975/-
Multiplier of ‘14’ (Rs.84,975x14)	Rs.11,89,650/-
(i) Loss of estate	Rs.15,000/-
(ii) Loss of spousal consortium to claimant No.1 Loss of filial consortium to claimants No.2 & 3	Rs.40,000/- Rs.40,000/-
(iii) Funeral expenses	Rs.15,000/-
Total	Rs.14,21,321/-

Considering the compensation, as such, worked upon, learned counsel submits that he does not dispute about the monthly income, deduction on the count of ‘personal expenses’ as well as, addition on the count of ‘future prospects’ and multiplier applied by the Tribunal. However, counsel submits that he confines his prayer for enhancement of the compensation under the conventional heads.

Considering the ‘work on’ of the compensation under the conventional heads, as per *National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009*, there is scope for enhancement of the compensation awarded under the conventional heads. As per *Pranay Sethi’s case (supra)*, the base amount for the ‘loss of consortium’ is Rs.40,000/- and for the ‘loss of estate’ and ‘funeral expenses’, the base amount is Rs.15,000/- under each head. However, in the aforesaid case law, it was also held by the Hon’ble Supreme Court that enhancement to the extent of 10%, ought to be made on the base amount, after every three years of passing of the judgment. Considering the same, at the time of passing of the impugned Award, there was bound to be increase in the amount to be worked upon, on the counts of ‘loss of consortium’, ‘loss of estate’ as well as ‘funeral expenses’.

Considering the same, on the count of ‘loss of estate’, the amount payable is **Rs.16,500/-**. Likewise, on the count of ‘funeral expenses’ also,



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similar extent of amount is payable i.e. **Rs.16,500/-**. On the count of 'loss of consortium' the amount payable is Rs.44,000/-. However, as per ***Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130***, the compensation, on the count of 'loss of consortium' is to be paid to all claimants/dependents, be it 'filial', 'spousal' or 'parental'. Thus, all the appellants-claimants are entitled to compensation, on the count of 'loss of consortium' i.e. $\text{Rs.44,000} \times 3 = \text{Rs.1,32,000/-}$.

As such, under the conventional heads, the appellants-claimants are entitled to $\text{Rs.16,500} + \text{Rs.16,500} + \text{Rs.1,32,000} = \text{Rs.1,65,000/-}$. As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal under conventional heads comes to be $\text{Rs.1,65,000} - \text{Rs.1,10,000} = \text{Rs.55,000/-}$. The requisite amount shall be payable to the appellants-claimants and they shall also be entitled to interest, equivalent to the extent as awarded by learned Tribunal, from the date of filing of the present appeal, till realization of the enhanced amount of compensation.

In view of the aforesaid observations, the present appeal stands allowed.

March 10, 2026

Vgulati

(ARCHANA PURI)

JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No