

**Sr. No.129****IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH****FAO-4501-2010 (O&M)****Date of decision: 12th May 2026****LILA RAM AND OTHERS****.....Appellants****versus****SEWA SINGH @ SEWA RAM AND OTHERS****.....Respondents****CORAM: HON'BLE MS. JUSTICE HARPREET KAUR JEEWAN**

Present: Mr. R.K. Sawariya, Advocate for
Mr. Pankaj Mehta, Advocate
for the appellants.

Mr. Lalit Garg, Advocate
for respondent No.2-OIC.

Mr. Harshit Singla, AAG, Haryana.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for respondent No.6-National Insurance Company Ltd.

HARPREET KAUR JEEWAN, J.**CM-19041-CII-2010**

1. Allowed as prayed for. Delay of 92 days in filing the main appeal is condoned.

2. CM stands disposed of.

Main case

3. The present appeal has been preferred by the appellants impugning the Award dated 20.11.2009, passed by the learned Motor Accident Claims Tribunal, Hisar (*hereinafter referred to as "the Tribunal"*) in MACT Case No.111 of 2008, seeking enhancement of compensation awarded on account of death of Om Pati in a motor-vehicle accident.



4. As per the brief facts, on 05.06.2006, many passengers were travelling in a Jeep bearing Registration No.HR-39A-4678 and they were going from Hansi to Hisar. The jeep was being driven by respondent No.1-Sewa Ram. At about 9:45 am, in the area of TCP Gate No.2, Hisar Cantt., Hisar, the jeep struck against a bus bearing Registration No.HR-62-0416 and the occupants of the jeep sustained serious and grievous injuries. Smt. Om Pati, who was also travelling in the said jeep, succumbed to the injuries suffered by her in the said accident. FIR No.435, under Sections 279, 337, 304-A IPC was registered against respondent No.1-Sewa Ram at Police Station Sadar Hisar on 05.06.2006.

5. Appellants Lila Ram and others filed Claim Petition No.111 of 2008 seeking compensation on account of death of Smt. Om Pati. The Tribunal awarded a sum of Rs.4,52,000/- as compensation to the claimants as per the following calculations:-

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	Rs.3,000/-
2.	Annual income	[Rs.3,000 x 12] = Rs.36,000/-
3.	Deduction (1/4 th)	[Rs.36,000 – Rs.9,000] = Rs.27,000/-
4.	Multiplier of '16' (35 years)	[Rs.27,000 x 16] = Rs.4,32,000/-
5.	Loss of Estate	Rs.5,000/-
6.	Funeral Expenses	Rs.5,000/-
7.	Consortium	Rs.10,000/-
7.	Total Compensation	Rs.4,52,000/-

5A. Liability to satisfy the award was fastened upon the insurer of the offending vehicle (No. HR-39A-4678) - Oriental Insurance Company.

6. Learned counsel for the appellants-claimants contends that the Tribunal has not considered the future prospects while calculating the compensation and even the compensation towards “Conventional Heads” needs to be enhanced.



7. *Per contra*, both the learned counsel for the respondents- Insurance Companies have argued that sufficient amount of compensation has already been awarded by the Tribunal and there is no scope for enhancement of the same.

8. I have considered the aforesaid submissions and perused the paper book.

9. In view of the decision of the Hon’ble Apex Court in “National Insurance Company Ltd. vs. Pranay Sethi & Ors., (2017) 16 SCC 680”, this Court is of the considered opinion that the compensation awarded by the Tribunal needs to be enhanced.

10. Keeping in view the fact that the deceased was 35 years of age at the time of the accident and she was doing household as well as agricultural work, 40% increase is to be considered towards “Future Prospects”. Similarly, in view of the decision of the Hon’ble Apex Court in *Pranay Sethi (supra)*, the compensation awarded towards “Conventional Heads” needs to be enhanced. The compensation is accordingly re-worked as under:-

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	Rs.3,000/-
2.	Annual income	[Rs.3,000 x 12] = Rs.36,000/-
3.	Deductions (1/4 th)	[Rs.36,000 – Rs.9,000] = Rs.27,000/-
4.	Future Prospects @ 40%	[Rs.27,000 + Rs.10,800] = Rs.37,800/-
4.	Multiplier of ‘16’ (35 years)	[Rs.37,800 x 16] = Rs.6,04,800/-
5.	Loss of Estate	Rs.18,000/-
6.	Funeral Expenses	Rs.18,000/-
7.	Loss of Consortium	Rs.48,000 X 6 = Rs.2,88,000/-
7.	Total Compensation	Rs. 9,28,800
	Interest @ 9% per annum	On excess amount

11. The amount in excess of the amount awarded by the Tribunal shall attract interest @ 9% per annum from the date of filing of the claim



petition till the realization of the entire amount. However, the appellants-claimants shall not be entitled to any interest for the period of delay in filing the main appeal.

12. In view of the decision by the Hon'ble Supreme Court in *"Parminder Singh vs. Honey Goyal & Ors."*, 2025 INSC 361, after calculation of the enhanced amount, the same shall be transferred by the respondents-Insurance Company in the Bank Accounts of the claimants-appellants within a period of 06 weeks from today. The particulars of the bank account(s) along with the requisite documents in support thereof shall be furnished by the claimants-appellants to respondent-Insurance company within a period of two weeks from today and needful shall be done by respondent-Insurance Company after verification thereof within a period of four weeks thereafter along with 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 **partly allowed** and the Award passed by the Tribunal is modified accordingly.

14. Pending miscellaneous application(s), if any, shall also stand disposed of.

(HARPREET KAUR JEEWAN)
JUDGE

12th May 2026
simran

<i>Whether speaking/reasoned</i>	:	<i>Yes/No</i>
<i>Whether reportable</i>	:	<i>Yes/No</i>