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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-4455-2012 (O&M)
Date of Decision : 10.03.2026

TIRATH KAUR .... Appellant

VERSUS

MOHINDER SINGH AND ORS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. D.K. Prajapati, Advocate for the appellant.
(legal aid counsel)

Mr. Rajbir Basu, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as 'the Tribunal') vide award dated 01.12.2011. The claim petition was filed by the widow of the deceased, namely, Wazir Singh who died in a motor vehicular accident which took place on 01.02.2007.

2. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal, are not being adverted to herein for the sake of brevity.

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

Sr. No.	Heads	Compensation Awarded
1.	Annual income	₹80,000
2.	Deduction @1/3rd	[₹80,000 - ₹26,660] = ₹53,340
3.	Multiplier of 13	[₹53,340 x 13] = ₹6,93,420
4.	Funeral expenses	₹10,000
5.	Loss of estate	₹5,000
6.	Loss of consortium	₹5,000
	Total Compensation	**₹7,13,420**
	Interest	**@ 8% per annum**

4. Learned legal aid counsel appearing on behalf of the claimant-appellant would contend that though the claimant-appellant does not dispute the income and the multiplier applied by the Tribunal, however, no addition was made by the Tribunal towards future prospects which ought to have been 25% keeping in view the age of the deceased who was 49 years old at the time of the accident. It is further the contention that the amounts awarded under the conventional heads and under the head loss of consortium are not in consonance with the law laid down by the Hon'ble Supreme Court. Learned legal aid counsel has pointed out that the sons and the daughters of the deceased were impleaded as proforma respondents No.3 to 6 and they would also be entitled to compensation under the head loss of consortium. Learned legal aid counsel has relied upon the judgments of the Hon'ble Supreme Court in the cases of **Seema Rani & Ors. vs. The Oriental Insurance Company Limited & Ors. [2025 (2) RCR (Civil) 48]** and **National Insurance Company Limited vs. Birender & Ors. [AIR 2020 SC 434]** to contend that a major son and a married daughter are also to be included and treated as legal

representatives for the purposes of a claim under the Motor Vehicles Act, 1988.

5. *Per contra*, learned counsel for respondent No.2-Insurance Company would contend that the deduction ought to have been 50% as the dependent was only the widow and the children were all major children. It is further the contention of the learned counsel that the married children are not entitled to compensation under the head loss of consortium.

6. Heard.

7. In the present case since there is no challenge to the income and the multiplier applied by the Tribunal, the same are maintained. The argument of the learned legal aid counsel for the claimant-appellant that an addition ought to have been made towards future prospects deserves to be accepted. The Tribunal, while awarding the compensation, has not made any addition towards future prospects. As per the law laid down by the Hon'ble Supreme Court in the case of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**, 25% addition is made towards future prospects. The argument of the learned counsel for respondent No.2-Insurance Company that deduction has wrongly been made as $1/3^{rd}$ and the same ought to have been 1/2 deserves to be rejected in view of the fact that no appeal has been preferred by respondent No.2-Insurance Company.

8. The argument of the learned counsel for respondent No.2-Insurance Company that married children are not entitled to compensation under the head loss of consortium deserves to be rejected. The Hon'ble Supreme Court in the case of **Seema Rani** (supra) has held as under :

"*9. We have heard the learned counsel for the Appellants. We are unable to agree with the view taken by the Tribunal on the dependents of the deceased. This Court in National Insurance Company Limited v. Birender & Ors., (2020) 11 SCC 356 had expounded that major married and earning sons of the deceased, being legal representatives, have a right to apply for compensation, and the Tribunal must consider the application, irrespective of whether the representatives are fully dependent on the deceased or not. The Court went on to conclude that since the sons, in that case, were earning merely Rs. 1,50,000/- per annum, they were largely dependent on the earnings of the deceased and were staying with her.*"

In view thereof, married sons and married daughters are also entitled to compensation under the head loss of consortium. The amounts awarded under the conventional heads and under the head loss of consortium are on the lower side. As per the law laid down by the Hon'ble Supreme Court in the cases of **Pranay Sethi** (supra), **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]**, the claimant-appellant would be entitled to ₹18,000 (₹15,000 + 20% increase) towards loss of estate and ₹18,000 (₹15,000 + 20% increase) towards funeral expenses. The claimant-appellant and proforma respondents No.3 to 6, being the widow and the 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 to which the claimant-appellants are entitled to is as under :

Sr. No.	**Heads**	**Compensation Awarded**
1.	Annual income	₹80,000
2.	Deduction 1/3	[₹80,000 - ₹26,667] = ₹53,333
3.	Future prospects @ 25%	[₹53,333 + ₹13,333] = ₹66,666
4.	Multiplier of 13	[₹66,666 x 13] = ₹8,66,658
5.	Funeral expenses	₹18,000
6.	Loss of estate	₹18,000
7.	Loss of consortium i. Spousal ii. Parental	 ₹48,000 [₹48,000 x 4] = ₹1,92,000 Total = ₹2,40,000
	Total Compensation	**₹11,42,658**

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. Proforma respondents No.3 to 6 shall be entitled to compensation under the head parental consortium to the tune of ₹48,000 each. The claimant-appellant shall be entitled to the remaining amount.

11. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 (SC) 1713]**, after calculation of the enhanced amount, the same be transferred by respondent No.2-Insurance Company in the bank accounts of the claimant-appellant and proforma respondents No.3 to 6 within a period of six weeks from today. The particulars of the bank accounts along with the requisite documents in support

thereof shall be furnished by the claimant-appellant to respondent No.2-Insurance company within a period of two weeks from today and needful shall be done by respondent No.2-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.

12. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off. A certified copy of the order be sent to the claimant-appellant and proforma respondents No.3 to 6 free of costs.

10.03.2026 **(ALKA SARIN)**
Aman Jain **JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No