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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-65-2016 (O&M)
Date of Decision : 28.01.2026

Munni & Ors ... Appellant(s)

Versus

Veer Singh & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.K. Panwar, Advocate for the appellants.
Mr. Tarun Yadav, Advocate for respondent Nos.1 and 2.
Mr. Vinod Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Faridabad (hereinafter referred to as 'Tribunal') vide the impugned award dated 15.10.2015 in a motor vehicle accident which occurred on 15.06.2014.

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	₹6,000/-
2	Annual Income	₹72,000/- [₹6,000 x 12]
3	Deduction - 1/3rd	₹48,000/- [₹72,000 - ₹24,000]
4	Multiplier - 13	₹6,24,000/- [₹48,000 x 13]

5	Loss of consortium	₹25,000/-
	Total Compensation	**₹6,49,000/-**
	Interest	**7.5%**

4. It is apt to note that the appeal being **FAO-1964-2016** filed by the owner and driver (respondent Nos.1 and 2 herein) was allowed by this Court vide order dated 28.08.2025 and it was held that the liability to pay the compensation would be that of the Insurance Company (respondent No.3 herein).

5. Learned counsel for the claimant-appellants would contend that he does not challenge the income of the deceased as assessed by the Tribunal. He, however, states that in the absence of any proof of age, the Tribunal erred in not relying on the Post-mortem Report (Ex.P1) wherein the age of the deceased was mentioned as 32 years. It is further the contention that on mere conjectures and surmises, the age of the deceased was taken to be between 46-50 years. Learned counsel would further contend that keeping in view the age of the deceased as 32 years, a multiplier of 16 would be applicable instead of 13 and further an addition of 40% ought to have been made towards future prospects, which was not done by the Tribunal. It is further the contention of the learned counsel that in the present case there are nine claimants being widow, father and seven children and, hence, a deduction of 1/5th ought to have been applied instead of 1/3rd. It is further the contention of the learned counsel that no compensation has been awarded under the conventional heads and that the compensation awarded under the head 'loss of consortium' is also 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. *Per contra*, learned counsel for respondent No.3-Insurance Company would contend that the age of the deceased has rightly been assessed by the Tribunal between 46-50 years keeping in view the fact that the age of one of his sons was 20 years. It is further the contention of the learned counsel that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

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

8. 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 as assessed by the Tribunal, the same is maintained accordingly.

9. In the present case the age of the deceased has been assessed as being between 46-50 years only on the basis that one of the sons, namely, Pintu, who appeared as PW4, disclosed his age as 20 years. However, there is no evidence regarding the age of the deceased. Otherwise, the Post-mortem Report which was produced on the record as Ex.P1 shows that the age of the deceased was 32 years. In the absence of any other evidence regarding the age, the Tribunal ought to have gone by the age as stated in the Post-mortem Report. In view of the fact that the age of the deceased has been mentioned as 32 years in the Post-mortem Report (Ex.P1) and as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), a multiplier

of 16 would be applicable and as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 40% addition would have to be made towards future prospects. In the present case, there are nine claimants being widow, father and seven children of the deceased, hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), a deduction of $1/5^{th}$ would be applicable instead of $1/3^{rd}$. Further, no compensation has been awarded under the conventional heads and the compensation awarded 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 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, father and seven children of the deceased) would also be entitled 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	₹6,000/-
2	Annual Income	₹72,000/- [₹6,000 x 12]
3	Deduction - 1/5th	₹57,600/- [₹72,000 - ₹14,400]
4	Future Prospects - 40%	₹80,640/- [₹57,600 + ₹23,040]
5	Multiplier - 16	₹12,90,240/- [₹80,640 x 16]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 7] (ii) Filial [₹48,000/- x 1] (iii) Spousal's	 ₹3,36,000/- ₹48,000/- ₹48,000/- (Total ₹4,32,000/-)
	Total Compensation	**₹17,58,240/-**

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 and the share of the minor claimants 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 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 discussion, the present appeal is allowed and the award passed by the Tribunal stands modified accordingly. Pending applications, if any, also stand disposed off.

28.01.2026
Yogesh Sharma

(ALKA SARIN)
JUDGE

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