



**IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH**

1. FAO-1703-2017 (O&M)

Ram Chand and ors.

.....Appellants

vs.

Sh. Atma Prakash and anr.

.....Respondents

2. FAO-1367-2017 (O&M)

National Insurance Co. Ltd.

.....Appellants

vs.

Ram Chand and ors.

.....Respondents

Date of Reserve: 10.04.2026

Date of Pronouncement: 29.04.2026

Uploaded on:- 05.05.2026

Whether only the operative part of the judgment is pronounced? ***No***
Whether full judgment is pronounced? ***Yes***

CORAM: HON'BLE MRS. JUSTICE SUDEEPTI SHARMA

Present: Mr. Sandeep Jasuja, Advocate, for the appellants
 in FAO No. 1703-2017 and
 for respondent Nos. 1 to 6 in FAO No. 1367-2017.

None for respondent No. 1 in FAO No. 1703-2017

Mr. Nitin Gupta, Advocate
 for the appellant in FAO No. 1367-2017
 and for respondent No. 2 in FAO No. 1703-2017

SUDEEPTI SHARMA J.

1. Both the appeals, as noticed above, are being disposed of by this common judgment, having arisen out of the impugned award dated 28.10.2016 passed by the learned Motor Accidents Claim Tribunal, Fazilka, whereby the



claimants were awarded compensation to tune of Rs.32,05,800/- and the Insurance company was held liable to pay the compensation to the claimants.

2. The appeal, i.e. ***FAO-1367-2017***, has been preferred by the appellant-Insurance Company against the Award dated 28.10.2016 passed by the learned Tribunal in the claim petition under Section 166 of the Motor Vehicles Act, 1988, whereby the claim petition filed by the respondent No.1 to 6/claimants was allowed and the appellant-Insurance company was held liable to pay the compensation to respondent No.1 to 6/claimants to the tune of Rs.32,05,800/-, on the ground of quantum of compensation to be on higher side.

3. The appeal, i.e. ***FAO-1703-2017***, has been preferred by the appellant/claimant against the Award dated 28.10.2016 passed by the learned Tribunal in the claim petition under Section 166 of the Motor Vehicles Act, 1988, for enhancement of compensation, granted to the appellants/claimants to the tune of Rs.32,05,800/-, on account of death of Des Raj, occurred on 28.07.2014.

4. As sole issue for determination in the appeal (FAO No. 1367-2017) filed by the Insurance Company is confined to quantum of compensation awarded by the learned Tribunal and the second appeal (FAO No. 1703-2017) filed by the claimants is for seeking enhancement of compensation only, a detailed narration of the facts of the case is not required to be reproduced here for the sake of brevity.

SUBMISSION OF LEARNED COUNSEL FOR THE PARTIES.

5. Learned counsel for the appellant–Insurance company submits that the compensation awarded by the Tribunal is excessive and not in consonance with the evidence on record. He further contends that the deceased was salaried person and agriculture income has wrongly been taken by the learned Tribunal, since it is a full time job. He further contends that the deceased was 55 years of age at the time of accident and thus 10 percent future prospects were liable to be granted instead of 15%.



6. On these premises, learned counsel prays that the present appeal be allowed and the compensation awarded be suitably reduced.

7. Per contra, learned counsel for respondent Nos. 1 to 6/claimants contends that the compensation awarded by the learned Tribunal is on the lower side and the claimants have also filed ***FAO No. 1703-2017 titled as Ram Chand and ors. vs. Atma Prakash and anr.***, seeking enhancement of the compensation. He, therefore prays that the present appeal be dismissed.

8. I have heard learned counsel for the parties and perused the whole record of this case with their able assistance.

SETTLED LAW ON COMPENSATION

9. Hon'ble Supreme Court in the case of **Sarla Verma Vs. Delhi Transport Corporation and Another [(2009) 6 Supreme Court Cases 121]**, laid down the law on assessment of compensation and the relevant paras of the same are as under:-

“30. Though in some cases the deduction to be made towards personal and living expenses is calculated on the basis of units indicated in Trilok Chandra, the general practice is to apply standardised deductions. Having considered several subsequent decisions of this Court, we are of the view that where the deceased was married, the deduction towards personal and living expenses of the deceased, should be one-third (1/3rd) where the number of dependent family members is 2 to 3, one-fourth (1/4th) where the number of dependent family members is 4 to 6, and one-fifth (1/5th) where the number of dependent family members exceeds six.

31. Where the deceased was a bachelor and the claimants are the parents, the deduction follows a different principle. In regard to bachelors, normally, 50% is deducted as personal and living expenses, because it is assumed that a bachelor would tend to spend more on himself. Even otherwise, there is also the possibility of his getting married in a short time, in which event the contribution to the



parent(s) and siblings is likely to be cut drastically. Further, subject to evidence to the contrary, the father is likely to have his own income and will not be considered as a dependant and the mother alone will be considered as a dependant. In the absence of evidence to the contrary, brothers and sisters will not be considered as dependants, because they will either be independent and earning, or married, or be dependent on the father.

32. Thus even if the deceased is survived by parents and siblings, only the mother would be considered to be a dependant, and 50% would be treated as the personal and living expenses of the bachelor and 50% as the contribution to the family. However, where the family of the bachelor is large and dependent on the income of the deceased, as in a case where he has a widowed mother and large number of younger non-earning sisters or brothers, his personal and living expenses may be restricted to one-third and contribution to the family will be taken as two-third.

* * * * *

42. We therefore hold that the multiplier to be used should be as mentioned in Column (4) of the table above (prepared by applying Susamma Thomas³, Trilok Chandra and Charlie), which starts with an operative multiplier of 18 (for the age groups of 15 to 20 and 21 to 25 years), reduced by one unit for every five years, that is M-17 for 26 to 30 years, M-16 for 31 to 35 years, M-15 for 36 to 40 years, M-14 for 41 to 45 years, and M-13 for 46 to 50 years, then reduced by two units for every five years, that is, M-11 for 51 to 55 years, M-9 for 56 to 60 years, M-7 for 61 to 65 years and M-5 for 66 to 70 years.

10. Hon'ble Supreme Court in the case of **National Insurance Company Ltd. Vs. Pranay Sethi & Ors.** [(2017) 16 SCC 680] has clarified the law under Sections 166, 163-A and 168 of the Motor Vehicles Act, 1988, on the following aspects:-

(A) Deduction of personal and living expenses to determine multiplicand;

(B) Selection of multiplier depending on age of deceased;



- (C) Age of deceased on basis for applying multiplier;
- (D) Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses, with escalation;
- (E) Future prospects for all categories of persons and for different ages: with permanent job; self-employed or fixed salary.

The relevant portion of the judgment is reproduced as under:-

*“52. As far as the **conventional heads** are concerned, we find it difficult to agree with the view expressed in Rajesh². It has granted Rs.25,000 towards funeral expenses, Rs 1,00,000 towards loss of consortium and Rs 1,00,000 towards loss of care and guidance for minor children. The head relating to loss of care and minor children does not exist. Though Rajesh refers to Santosh Devi, it does not seem to follow the same. The conventional and traditional heads, needless to say, cannot be determined on percentage basis because that would not be an acceptable criterion. Unlike determination of income, the said heads have to be quantified. Any quantification must have a reasonable foundation. There can be no dispute over the fact that price index, fall in bank interest, escalation of rates in many a field have to be noticed. The court cannot remain oblivious to the same. There has been a thumb rule in this aspect. Otherwise, there will be extreme difficulty in determination of the same and unless the thumb rule is applied, there will be immense variation lacking any kind of consistency as a consequence of which, the orders passed by the tribunals and courts are likely to be unguided. Therefore, we think it seemly to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000, Rs.40,000 and Rs.15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every*



three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads.

* * * * *

59.3. While determining the income, an addition of 50% of actual salary to the income of the deceased towards future prospects, where the deceased had a permanent job and was below the age of 40 years, should be made. The addition should be 30%, if the age of the deceased was between 40 to 50 years. In case the deceased was between the age of 50 to 60 years, the addition should be 15%. Actual salary should be read as actual salary less tax.

59.4. In case the deceased was self-employed (or) on a fixed salary, an addition of 40% of the established income should be the warrant where the deceased was below the age of 40 years. An addition of 25% where the deceased was between the age of 40 to 50 years and 10% where the deceased was between the age of 50 to 60 years should be regarded as the necessary method of computation. The established income means the income minus the tax component.

59.5. For determination of the multiplicand, the deduction for personal and living expenses, the tribunals and the courts shall be guided by paras 30 to 32 of Sarla Verma⁴ which we have reproduced hereinbefore.

59.6. The selection of multiplier shall be as indicated in the Table in Sarla Verma¹ read with para 42 of that judgment.

59.7. The age of the deceased should be the basis for applying the multiplier.

59.8. Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs 15,000, Rs 40,000 and Rs 15,000 respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years.”



11. Hon'ble Supreme Court in the case of **Magma General Insurance Company Limited Vs. Nanu Ram alias Chuhru Ram & Others [2018(18) SCC 130]** after considering **Sarla Verma (supra)** and **Pranay Sethi (Supra)** has settled the law regarding consortium. Relevant paras of the same are reproduced as under:-

“21. A Constitution Bench of this Court in Pranay Sethi² dealt with the various heads under which compensation is to be awarded in a death case. One of these heads is loss of consortium. In legal parlance, "consortium" is a compendious term which encompasses "spousal consortium", "parental consortium", and "filial consortium". The right to consortium would include the company, care, help, comfort, guidance, solace and affection of the deceased, which is a loss to his family. With respect to a spouse, it would include sexual relations with the deceased spouse.

*21.1. **Spousal consortium** is generally defined as rights pertaining to the relationship of a husband-wife which allows compensation to the surviving spouse for loss of "company, society, cooperation, affection, and aid of the other in every conjugal relation".*

*21.2. **Parental consortium** is granted to the child upon the premature death of a parent, for loss of "parental aid, protection, affection, society, discipline, guidance and training".*

*21.3. **Filial consortium** is the right of the parents to compensation in the case of an accidental death of a child. An accident leading to the death of a child causes great shock and agony to the parents and family of the deceased. The greatest agony for a parent is to lose their child during their lifetime. Children are valued for their love, affection, companionship and their role in the family unit.*

22. Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. Modern jurisdictions world-over have recognised that the value of a



child's consortium far exceeds the economic value of the compensation awarded in the case of the death of a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child.

23. The Motor Vehicles Act is a beneficial legislation aimed at providing relief to the victims or their families, in cases of genuine claims. In case where a parent has lost their minor child, or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the head of filial consortium. Parental consortium is awarded to children who lose their parents in motor vehicle accidents under the Act. A few High Courts have awarded compensation on this count. However, there was no clarity with respect to the principles on which compensation could be awarded on loss of filial consortium.

24. The amount of compensation to be awarded as consortium will be governed by the principles of awarding compensation under "loss of consortium" as laid down in Pranay Sethi². In the present case, we deem it appropriate to award the father and the sister of the deceased, an amount of Rs 40,000 each for loss of filial consortium.

12. A perusal of the impugned award reveals that the deceased was stated to be 48 years old at the time of the accident. However, the learned Tribunal erred in assessing the age of the deceased as 55 and erred in applying the multiplier of 9.

13. A further perusal of the record reveals that as per PMR (Ex C2), the age of the deceased was 53 years at the time of accident. Consequently the age of the deceased is assessed as 53 years by taking in the account PMR and multiplier of 11 would be applied in the present case.

14. So far as contention of appellant-Insurance Company (in FAO No.



same is bereft of merits. It transpires from the record that the learned Tribunal has rightly taken into account the salary certificate Ex C10 of the deceased Des Raj and the copy of jamabandi Ex P14 to P-18 which duly reflects that he was also doing agriculture business. Therefore, the learned Tribunal has rightly assessed the monthly income of the deceased as Rs.32000/- which cannot be said to be on higher side. Therefore, the finding of the Tribunal regarding income of the deceased is hereby affirmed.

15. A perusal of award further reveals that major sons of the deceased were not considered dependent upon the income of the deceased, which is contrary to the judgment of Hon'ble Supreme Court rendered in ***Sadhana Tomar & Others v. Ashok Kushwaha & Others, 2025 SCC OnLine 554***, wherein, it has been held as under:-

“13. This Court has clarified in the case of Meena Devi v. Nunu Chand Mahto [(2023) 1 SCC 204], that the objective of granting compensation under the Motor Vehicles Act, 1988, is to ensure that just and fair compensation is paid to the aggrieved party. Another question which arose for our consideration, as for the purpose of loss of dependency, the deduction of annual income should be 1/3rd or 1/4th, as there are five claimants. The Tribunal did not consider appellant Nos.4 and 5, namely, the father and the younger sister, respectively, of the deceased as dependents, stating therein that the father was not dependent on the income of the deceased and since the father is alive, the younger sister is also not dependent on the income of the deceased. This Court in Gujarat SRTC v. Ramanbhai Prabhatbhai [(1987) 3 SCC 234], observed that a legal representative is one, who suffers on account of death of a person due to a motor vehicle accident and need not necessarily be a wife, husband, parent or child.



14. Recently in *N. Jayasree v. Chola mandalam MS General Insurance Company Ltd.* [(2022) 14 SCC 712], this Court observed that :

*"16. **In our view, the term "legal representative" should be given a wider interpretation for the purpose of Chapter XII of the MV Act and it should not be confined only to mean the spouse, parents and children of the deceased.** As noticed above, the MV Act is a benevolent legislation enacted for the object of providing monetary relief to the victims or their families. Therefore, the MV Act calls for a liberal and wider interpretation to serve the real purpose underlying the enactment and fulfil its legislative intent. **We are also of the view that** in order to maintain a claim petition, it is sufficient for the claimant to establish his loss of dependency. Section 166 of the MV Act makes it clear that every legal representative who suffers on account of the death of a person in a motor vehicle accident should have a remedy for realisation of compensation."*

16. In view of the above legal position, the major son are also held entitled to the compensation.

17. A further perusal of the award reveals that the learned Tribunal has rightly deducted 1/4 as expenses for personal expenditure.

18. So far as the contention raised by learned counsel for the appellant—Insurance Company that the learned Tribunal committed an error in law by awarding compensation separately under the heads of “loss of consortium” as well as “loss of love and affection” is concerned, the said submission merits acceptance.

19. The Hon’ble Supreme Court in *V. Pathmavathi and Others v. Bharti*

AXA General Insurance Co. Ltd. and Another, 2026 INSC 131, has recently



clarified the legal position with regard to compensation under conventional heads. The Apex Court has categorically held that “loss of love and affection” is not an independent or distinct head of compensation, and the same stands subsumed within the broader concept of consortium, which includes spousal, parental and filial consortium. Consequently, separate compensation under the head of loss of love and affection is impermissible. The relevant extract of the same is reproduced as under:-

“22. In [Rajesh](#) (supra), this Court recognised “loss of love and affection” as a distinct head of compensation, reflecting the non-pecuniary deprivation suffered by family members upon the untimely death of a loved one. However, the Constitution Bench in [Pranay Sethi](#) (supra) expressly disapproved this approach holding that [Rajesh](#) (supra) was rendered per incuriam and that compensation should be confined to three conventional heads, i.e., loss of estate, loss of consortium and funeral expenses in order to preserve consistency and certainty in awards. Observing disagreement, [Pranay Sethi](#) (supra) held thus:

52. As far as the conventional heads are concerned, we find it difficult to agree with the view expressed in [Rajesh](#) [[Rajesh v. Rajbir Singh](#), (2013) 9 SCC 54]. It has granted Rs 25,000 towards funeral expenses, Rs 1,00,000 towards loss of consortium and Rs 1,00,000 towards loss of care and guidance for minor children. The head relating to loss of care and minor children does not exist.

Though [Rajesh](#) [[Rajesh v. Rajbir Singh](#), (2013) 9 SCC 54] refers to [Santosh Devi](#) [[Santosh Devi v. National Insurance Co. Ltd.](#), (2012) 6 SCC 421], it does not seem to follow the same. The conventional and traditional heads, needless to say, cannot be determined on percentage basis because that would not be an acceptable criterion. Unlike determination of income, the said heads have to be quantified. Any quantification must have a reasonable foundation. There can be no dispute over the fact that price index, fall in bank interest, escalation of rates in many a field have to be noticed. The court



cannot remain oblivious to the same. There has been a thumb rule in this aspect. Otherwise, there will be extreme difficulty in determination of the same and unless the thumb rule is applied, there will be immense variation lacking any kind of consistency as a consequence of which, the orders passed by the tribunals and courts are likely to be unguided. Therefore, we think it seems to fix reasonable sums. It seems to us that reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs 15,000, Rs 40,000 and Rs 15,000 respectively. The principle of revisiting the said heads is an acceptable principle. But the revisit should not be fact-centric or quantum-centric. We think that it would be condign that the amount that we have quantified should be enhanced on percentage basis in every three years and the enhancement should be at the rate of 10% in a span of three years. We are disposed to hold so because that will bring in consistency in respect of those heads.

23. *There can be no quarrel with the binding nature of [Pranay Sethi](#) (supra). Judicial discipline demands that a Constitution Bench decision must prevail over a judgment of a Bench of lesser strength. Accordingly, this Court is constrained to follow the law declared therein.*

24. *That said, it is difficult to ignore the conceptual tension that underlies this exclusion. The head of “future prospects” itself is a creation of judicial interpretation, evolved to respond to socio-economic realities and the legitimate expectations of dependents. If the law is capable of recognising anticipated economic progression as a valid loss, it is not too clear why emotional deprivation manifested in loss of love and affection must be viewed as an impermissible head, especially when Chapter XII of the Act is a beneficial piece of legislation meant to help people in distress arising out of road accidents.*

25. *The concern expressed in [Pranay Sethi](#) (supra) was primarily one of consistency and avoidance of unguided discretion. However, consistency, though desirable, cannot be elevated to a point where it*



eclipses the core objective of awarding “just compensation”. The law must remain responsive to lived human realities, especially in cases involving the sudden rupture of familial bonds.

26. It is in this context that the subsequent decision of this Court in [Magma General Insurance Co. Ltd. v. Nanu Ram](#)¹⁷ assumes significance. This Court expanded the ambit of “consortium” to include parental and filial consortium, implicitly acknowledging the emotional and relational loss suffered by children and parents alike. (2018) 18 SCC 130 This doctrinal expansion suggests that the distinction between “consortium” and “loss of love and affection” may be one of form rather than substance. The coordinate Bench ruled as follows:

21. A Constitution Bench of this Court in [Pranay Sethi \[National Insurance Co. Ltd. v. Pranay Sethi\]](#), (2017) 16 SCC 680] dealt with the various heads under which compensation is to be awarded in a death case. One of these heads is loss of consortium. In legal parlance, “consortium” is a compendious term which encompasses “spousal consortium”, “parental consortium”, and “filial consortium”.

The right to consortium would include the company, care, help, comfort, guidance, solace and affection of the deceased, which is a loss to his family. With respect to a spouse, it would include sexual relations with the deceased spouse: [Rajesh v. Rajbir Singh, (2013) 9 SCC 54].

21.1. Spousal consortium is generally defined as rights pertaining to the relationship of a husband-wife which allows compensation to the surviving spouse for loss of “company, society, cooperation, affection, and aid of the other in every conjugal relation”. [Black's Law Dictionary (5th Edn., 1979).] 21.2. Parental consortium is granted to the child upon the premature death of a parent, for loss of “parental aid, protection, affection, society, discipline, guidance and training”. 21.3. Filial consortium is the right of the parents to compensation in the case of an accidental death of a child. An accident leading to the death of a child causes great shock and agony



to the parents and family of the deceased. The greatest agony for a parent is to lose their child during their lifetime. Children are valued for their love, affection, companionship and their role in the family unit.

22. Consortium is a special prism reflecting changing norms about the status and worth of actual relationships. Modern jurisdictions world-over have recognised that the value of a child's consortium far exceeds the economic value of the compensation awarded in the case of the death of a child. Most jurisdictions therefore permit parents to be awarded compensation under loss of consortium on the death of a child. The amount awarded to the parents is a compensation for loss of the love, affection, care and companionship of the deceased child.

23. [The Motor Vehicles Act](#) is a beneficial legislation aimed at providing relief to the victims or their families, in cases of genuine claims. In case where a parent has lost their minor child, or unmarried son or daughter, the parents are entitled to be awarded loss of consortium under the head of filial consortium. Parental consortium is awarded to children who lose their parents in motor vehicle accidents under the Act. A few High Courts have awarded compensation on this count [Rajasthan High Court in [Jagmala Ram v. Sohi Ram](#), 2017 SCC OnLine Raj 3848; Uttarakhand High Court in [Rita Rana v. Pradeep Kumar](#), 2013 SCC OnLine Utt 2435;

Karnataka High Court in [Lakshman v. Susheela Chand Choudhary](#), 1996 SCC OnLine Kar 74]. However, there was no clarity with respect to the principles on which compensation could be awarded on loss of filial consortium.

24. The amount of compensation to be awarded as consortium will be governed by the principles of awarding compensation under “loss of consortium” as [laid down in](#) Pranay Sethi. In the present case, we deem it appropriate to award the father and the sister of the deceased, an amount of Rs.40,000 each for loss of filial consortium.

27. Interestingly, we find from paragraph 25 of [Magma General Insurance](#) (supra) that apart from Rs. 80,000/- awarded on account



of filial consortium, this Court awarded Rs. 1,00,000/- on account of loss and affection in addition.

28. More recently, in the case of *United India Insurance Co. Ltd. v.*

*Satinder Kaur*¹⁸, a three-Judge Bench of this Court harmonised the principles laid down in *Pranay Sethi* (supra) and *Magma General Insurance* (supra) to ensure uniformity in the award of compensation under conventional heads. Reaffirming the binding nature of *Pranay Sethi* (supra), this Court held that compensation in death cases is confined to three conventional heads, i.e., loss of estate, loss of consortium and funeral expenses. At the same time, drawing upon *Magma General Insurance* (supra), this Court clarified that consortium is a compendious concept encompassing spousal, parental and filial consortium. It was further held that loss of love and affection is subsumed within loss of consortium and cannot be awarded as a separate head. This Court held as follows:

(2021) 11 SC 780

34. At this stage, we consider it necessary to provide uniformity with respect to the grant of consortium, and loss of love and affection.

Several Tribunals and the High Courts have been awarding compensation for both loss of consortium and loss of love and affection. The Constitution Bench in *Pranay Sethi [National Insurance Co. Ltd. v. Pranay Sethi]*, (2017) 16 SCC 680], has recognised only three conventional heads under which compensation can be awarded viz. loss of estate, loss of consortium and funeral expenses. In *Magma General [Magma General Insurance Co. Ltd. v. Nanu Ram]*, (2018) 18 SCC 130], this Court gave a comprehensive interpretation to consortium to include spousal consortium, parental consortium, as well as filial consortium. Loss of love and affection is comprehended in loss of consortium.

35. The Tribunals and the High Courts are directed to award compensation for loss of consortium, which is a legitimate conventional head. There is no justification to award compensation towards loss of love and affection as a separate head.



29. *Consistent with the aforesaid position but notwithstanding the reservations noted earlier, this Court is bound by the law declared by the Constitution Bench in [Pranay Sethi](#) (supra), which does not countenance “loss of love and affection” as a distinct head of compensation. As subsequently clarified in *Satinder Kaur* (supra), referring to both [Pranay Sethi](#) (supra) and [Magma General Insurance](#) (supra), the non-pecuniary loss arising from deprivation of love and affection is comprehended within the broader head of “consortium”. Consequently, no separate award under the head of loss of love and affection is warranted.”*

20. In view of the aforesaid authoritative pronouncement of the Hon’ble Supreme Court, the award of compensation granted by the learned Tribunal under the separate head of “loss of love and affection” cannot be sustained in law. Accordingly, the amount awarded by the Tribunal under the said head is liable to be deducted from the total compensation.

21. A perusal of the record further shows that nothing has been awarded towards loss of estate and compensation awarded under the head of loss of consortium is on the lower side. Therefore, the award requires indulgence of this Court and the calculation is re-assessed as under:-

CONCLUSION

22. In view of the law laid down by the Hon’ble Supreme Court in the above referred to judgments, the appeal **FAO No. 1367-2017** filed by the claimants/appellants is allowed and appeal **FAO No. 1703-2017** filed by the Insurance Company is dismissed. The award dated 07.10.2016 is modified accordingly. The appellants-claimants (**FAO No. 1367-2017**) are entitled to enhanced amount of compensation as per the calculations made here-under:-



Sr. No.	Heads	Compensation Awarded
1	Monthly Income	Rs.32000/-
2	Future prospects @ 15%	Rs.4500/- (15% of 32000)
3	Deduction towards personal expenditure 1/4	Rs.9125/- (36500X 1/4)
4.	Total Income	Rs.27375/-(36500-9125)
4	Multiplier	11
5	Annual Dependency	Rs.36,13,500/- (27375X12X11)
6	Loss of Estate	Rs.15,000/-
7	Funeral Expenses	Rs.15,000/-
8	Loss of Consortium Parental : Rs. 40,000/-x3 Spousal : Rs. 40,000/-x1 Filial : Rs. 40,000/-x2	Rs.2,40,000/-
	Total Compensation	Rs.38,83,500/-
	Deduction Amount Awarded by the Tribunal	Rs.32,05,800/-
	Enhanced amount	Rs.6,77,700/- (3883500-3205800)

23. So far as the interest part is concerned, as held by Hon'ble Supreme Court in **Dara Singh @ Dhara Banjara Vs. Shyam Singh Varma** 2019 ACJ 3176 and **R.Valli and Others VS. Tamil Nadu State Transport Corporation** (2022) 5 **Supreme Court Cases 107**, the appellants-claimants ((**FAO No. 1367-2017**) are granted the interest 9% per annum on the enhanced amount from the date of filing of claim petition till the date of its realization.

24. Insurance Company is directed to deposit the enhanced amount of compensation along with interest with the Tribunal within a period of two months from the receipt of copy of this judgment. The learned Tribunal is directed to disburse the enhanced amount of compensation along with interest in the accounts



of the claimants, as per award dated 28.10.2016. The claimants are directed to furnish their bank account details to the Tribunal.

25. However, needless to say, Insurance Company is granted liberty to recover the said amount of compensation from the Atma Parkash (driver cum owner of the offending vehicle, as per award dated 28.10.2016.

26. Pending applications, if any, also stand disposed of.

(SUDEEPTI SHARMA)
JUDGE

29.04.2026

Gaurav Arora

Whether speaking/non-speaking : Speaking
Whether reportable : Yes