IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-7723-2016 (O&M)
Date of Decision: April 07, 2026

Smt.Reshma and others

...Appellants

VERSUS

Subhash Chand and others

...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Ms.Lipika, Advocate for
Mr.R.S.Mamli, Advocate
for the appellants.

Mr.Rahul Pathania, Advocate
for respondent No.4.

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ARCHANA PURI, J.

The appellants-claimants have filed the present appeal, thereby seeking enhancement of the compensation granted by learned Motor Accident Claims Tribunal, on account of death of Rishi Pal, in a motor vehicular accident, which took place on 28.08.2014.

Though, it was asserted about the deceased to be working as *Raj Mistri* and having earnings of Rs.10,000/- per month, but however, on appraisal of the evidence, brought on record, learned Tribunal had considered the earnings of the deceased as Rs.7400/- per month and worked upon the compensation.

At this stage, counsel for the insurance company submits that he has no objection, if the amount of compensation is worked upon, while considering the earnings of the deceased as Rs.7400/- p.m., as per settled law.

In view of the submission made by counsel for the insurance company, at this stage, counsel for the appellants also submits that she agrees for the assessment of the compensation, as per the prevalent law, while considering the earnings of deceased as Rs.7400/- per month.

At the very outset, it be noted that the compensation worked upon by learned Tribunal, while taking the earnings as Rs.7400/-, is reproduced herein, in the tabular form:-

Earnings	Rs.7400/- per month
Multiplier of ‘13’ applied	Rs.7400x12x13=Rs.11,54,400/-
Deduction of 1/3rd	Rs.11,54,400-3,84,800=**Rs.7,69,600/-**

Besides the aforesaid, under the conventional heads, Rs.10,000/- was awarded towards ‘funeral expenses’, Rs.20,000/- towards ‘love and affection’ and total compensation, as such, was worked upon as Rs.7,99,600/-.

Apart from it, it is pertinent to mention that in paragraph No.16, on the count of ‘loss of consortium’ also, claimant No.1, being widow was awarded Rs.20,000/-, but however, addition of the same, has not been made, either in paragraph No.16 or in the relief clause. Thus, by making addition of the same, the amount of compensation should have been worked upon as Rs.7,99,600+20,000=Rs.8,19,600/-.

However, the ‘work on’ of the compensation aforesaid, as per the settled law, do call for re-compuation.

In view of the statement made by counsel for the insurance company, which is readily acceptable to counsel for the appellants-claimants, the earnings of deceased Rishi Pal are taken as Rs.7400/- per month.

However, to the aforesaid amount, addition on the count of 'future prospects' ought to be made to the extent of 25%, considering the age of the deceased to be 47 years, as per the date of birth of the deceased reflected in his school leaving certificate, which mentions the date of 10.06.1967. Considering the number of dependents, deduction to the extent of 1/3rd ought to be made and multiplier of '13' ought to be applied, as applied by learned Tribunal.

Apart from it, with regard to the conventional heads also, no amount is required to be awarded, on the count of 'love and affection' as the same is comprehended in 'loss of consortium', which, as per the ***Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130***, is payable to all the claimants, who are widow and children of the deceased. As per ***National Insurance Company Limited vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009***, the amount payable, on the count of 'loss of consortium', at present, is to the extent of Rs.48,400/- to each claimant i.e. Rs.48,400x3=**Rs.1,45,200/-**. Apart from it, the amount awarded on the count of 'funeral expenses' is on lesser side. As per ***Pranay Sethi's case (supra)***, the amount payable at present is Rs.18,150/-. Similar extent of amount is also payable, on the count of 'loss of estate'.

Taking into consideration the aforesaid, the compensation is now re-worked upon, in the tabular form, as herein given:-

Earnings	Rs.7400/- per month
Deduction of 1/3rd	Rs.7400-2467=Rs.4933/-
Addition of 25%	Rs.4933+1233=Rs.6166/- annual whereof is Rs.73,992/-
Multiplier of '13'	Rs.73,992x13=**Rs.9,61,896/-**
Loss of consortium	**Rs.1,45,200/-**
Loss of estate	**Rs.18,150/-**
Funeral expenses	**Rs.18,150/-**
Total	**Rs.11,43,396/-**

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal, comes to be **Rs.11,43,396-7,99,600=Rs.3,43,796/-**. On the enhanced amount of compensation i.e. **Rs.3,43,796/-**, the appellants-claimants shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation. The enhanced compensation, as now worked upon, be apportioned equally between all the appellants-claimants.

Accordingly, the impugned Award dated 12.05.2016 stands modified, to the extent, as indicated aforesaid.

With the above observations, the present appeal stands allowed.

April 07, 2026 **(ARCHANA PURI)**
Vgulati **JUDGE**

Whether speaking/reasoned **Yes**
Whether reportable **Yes/No**