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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1888-2017 (O&M)
Date of Decision : 05.02.2026

Mamta & Ors ... Appellant(s)

Versus

Sanjay Kumar & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rao Ajender Singh, Advocate for the appellants.

Mr. Rajbir Singh, 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, Narnaul (hereinafter referred to as 'Tribunal') vide the impugned award dated 03.08.2016 in a motor vehicle accident which occurred on 12.11.2015.

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	₹9,000/-
2	Annual Income	₹1,08,000/- [₹9,000 x 12]
3	Deduction - 1/3rd	₹72,000/- [₹1,08,000 - ₹36,000]
4	Multiplier - 17	₹12,24,000/- [₹72,000 x 17]
5	Future Prospects	₹4,89,600/- (₹12,24,000/- @ 40%)
6	Funeral expenses	₹20,000/-

7	Loss of consortium	₹50,000/-
	Total Compensation	**₹17,83,600/-**
	Interest	**6%**

4. Learned counsel for the claimant-appellants would contend that he does not challenge deduction and multiplier as applied by the Tribunal. He, however, states that the income of the deceased has wrongly been assessed as ₹9,000/- per month inasmuch as the deceased was working as a Computer Teacher on temporary basis in DAV School, Narnaul and was drawing a salary of ₹13,500/- per month. It is further the contention of the learned counsel that though a lump sum amount of ₹4,89,600/- has been awarded towards future prospects, however, an addition of 40% ought to have been made towards future prospects as the deceased was 27 years of age at the time of the accident. It is further the contention of the learned counsel that the compensation awarded under the conventional heads as well as under the head 'loss of consortium' is 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 **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]**.

5. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that the Tribunal has rightly assessed the income of the deceased as ₹9,000/- per month. 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.

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

7. 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 deduction and multiplier as applied by the Tribunal, the same are maintained accordingly.

8. The argument of the learned counsel for the appellants that the income of the deceased has wrongly been assessed as ₹9,000/- per month deserves to be accepted. In the present case, the claimant-appellants examined PW2 – Mahipal Singh, Assistant, DAV School, Narnaul, who deposed that the deceased was working as a Computer Teacher on temporary basis in their school and was drawing a salary of ₹13,500/- per month. This witness proved on record the attendance register and salary statements of the deceased as Ex.P1 to Ex.P20. In the cross-examination by the Insurance Company, there is nothing elicited to disbelieve these documents nor did the Insurance Company lead any evidence to rebut the same. In view thereof, this Court deems it appropriate to assess the income of the deceased as ₹13,500/- per month (₹1,62,000/- per annum).

9. So far as the argument of the learned counsel for the claimant-appellants as regards grant of future prospects @ 40% is concerned, the Tribunal has awarded a lump sum amount of ₹4,89,600/- towards this head which comes out to be 40% addition commensurate to the annual income, as assessed by the Tribunal and, therefore, no fault can be found therewith. However, since the income of the deceased has been assessed as ₹1,62,000/- per annum (₹13,500 x 12), the claimant-appellants would be entitled to an

addition of future prospects @ 40% thereof.

10. Further, the compensation awarded under the conventional heads and 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, parents and sister 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	₹13,500/-
2	Annual Income	₹1,62,000/- [₹13,500 x 12]
3	Future Prospects - 40%	₹2,26,800/- ₹1,62,000 + ₹64,800/-
4	Deduction - 1/3rd	₹1,51,200/- [₹2,26,800 - ₹75,600]
5	Multiplier - 17	₹25,70,400/- [₹1,51,200 x 17]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Filial [₹48,000/- x 3] (ii) Spousal	 ₹1,44,000/- ₹48,000/- (Total ₹1,92,000/-)
	Total Compensation	**₹27,98,400/-**

11. 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. The claimant-appellant No.4 (sister of the deceased) shall be entitled only to ₹48,000/- towards filial consortium.

12. 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. 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.

13. 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.

05.02.2026 **(ALKA SARIN)**
Yogesh Sharma **JUDGE**

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