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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-2332-2018 (O&M)
Date of Decision : 10.02.2026

RANI KAUR AND ANR .... Appellants

VERSUS

JASWINDER SINGH AND ANR .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanjeev Patyal, Advocate for the appellants.
(joined through hybrid mode)

Mr. Ashok Giri, Advocate for
Mr. Mohit Giri, Advocate for respondent No.1.

Ms. Ritu Punj, Advocate and
Mr. Sarvesh Rattan, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. As per the report of the Mediator, mediation remained unsuccessful.

2. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Chandigarh (hereinafter referred to as the 'Tribunal') vide award dated 06.11.2017.

3. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹7,000
2.	Annual income	[₹7,000 x 12] = ₹84,000
3.	Deduction @ 50%	[₹84,000 - ₹42,000] = ₹42,000
4.	Multiplier of 18	[₹42,000 x 18] = ₹7,56,000
5.	Funeral expenses	₹15,000
6.	Loss of estate	₹15,000
	Total Compensation	**₹7,86,000**
	Interest	**@ 7.5% per annum**

5. Learned counsel for the claimant-appellants would contend that the deceased in the present case was 19 years old and was a 10+2 student and was a Wrestler. Learned counsel would further contend that the income of the deceased has wrongly been assessed as ₹7,000 per month notionally whereas the same ought to have been assessed at least as that of a skilled person which was ₹9,770 per month at the relevant time. It is further the contention that though the claimant-appellants do not challenge the deduction made and the multiplier as applied by the Tribunal, however, no addition has been made towards future prospects which ought to have been 40%. Learned counsel has further contended that no amount has been awarded under the head loss of consortium and that the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses are on the lower side. In support of his contentions the learned counsel for the claimant-appellants 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]**.

6. *Per contra*, the learned counsel for respondent No.2-Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

7. Heard.

8. In the present case the deceased was 19 years of age and was a student of 10+2 and was a Wrestler, as is evident from the documents Ex.P6, Ex.P7 and Ex.P9 placed on the record by the claimant-appellants. The Tribunal has wrongly assessed the income of the deceased notionally as ₹7,000 per month. The income of a skilled person at the relevant time was ₹9,770 per month. Accordingly, the income of the deceased is assessed as ₹9,770 per month. Since there is no challenge to the deduction made and the multiplier as applied by the Tribunal, the same are maintained. Further, no addition had been made towards future prospects. Hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 40% addition is made towards future prospects. The amounts awarded under the conventional heads i.e. loss of estate and funeral expenses are on the lower side, and no amount has been awarded under the head loss of consortium. Hence, 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), the claimant-appellants 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-appellants, being the parents 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.	Monthly income	₹9,770
2.	Annual income	[₹9,770 x 12] = ₹1,17,240
3.	Deduction @ 50%	[₹1,17,240 - ₹58,620] = ₹58,620
4.	Future prospects @ 40%	[₹58,620 + ₹23,448] = ₹82,068
5.	Multiplier of 18	[₹82,068 x 18] = ₹14,77,224
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium Filial	[₹48,000 x 2] = ₹96,000
	Total Compensation	**₹16,09,224**

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. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal.

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-appellants 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-appellants 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.

10.02.2026 **(ALKA SARIN)**
Aman Jain **JUDGE**

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