



243

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3077-2018 (O&M)

Date of Decision : 18.02.2026

Renu Verma and Others

... Appellants

Versus

Pardeep Rurdpal and Others

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Navkesh Sing Goraya, Advocate for the appellants.

Ms. Swati Verma, Advocate for respondent No.2.

Mr. Sarthak Mehta, Advocate for

Mr. P.H.S. Pannu, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

CM-11842-CII-2018

1. For the reasons stated in the application, delay of 19 days in re-filing the appeal is condoned.

CM-11843-CII-2018

2. For the reasons stated in the application, delay of 482 days in filing the appeal is condoned. CM stands disposed off. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

FAO-3077-2018

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

impugned award dated 22.01.2016 on account of death of Harjinder Kumar in a motor vehicle accident which occurred on 02.03.2014.

4. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

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

Sr. No.	Heads	Compensation Awarded
1	Annual income	₹2,04,756/-
2	Deduction 1/3 rd	₹1,36,504/- [₹2,04,756 - 68,252]
3	Multiplier of ‘9’	₹12,28,536/- [₹1,36,504,x 9]
4	Loss of consortium to wife	₹1,00,000/-
5	Loss of love and affection to claimant Nos.3 and 4	₹1,00,000/- [₹50,000 x 2]
6	Loss of estate	₹10,000/-
7	Funeral expenses	₹25,000/-
	Total Compensation	₹14,63,536/-
	Interest	7% per annum

6. Learned counsel for the claimant-appellants would contend that he does not challenge the income, deduction and the multiplier as applied by the Tribunal. He, however, states that no addition has been made towards future prospects which ought to have been 10% inasmuch as the deceased was 57 years of age at the time of the accident. It is further the contention of learned counsel for the claimant-appellants that the compensation awarded under the conventional heads is not in accordance with the law laid down by 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].

7. *Per contra* learned counsel for respondent No.3-Insurance Company has contended that the compensation awarded under the head 'loss of consortium' is highly excessive and is not in consonance with the law laid down by the Hon'ble Supreme Court. It is further the contention that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

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

9. 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, deduction and the multiplier as applied by the Tribunal, the same are maintained accordingly. The argument of learned counsel for the claimant-appellants that the Tribunal has not made any addition towards loss of future prospects, deserves to be accepted. The deceased was admittedly 57 years of age, hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), an addition of 10% is made towards future prospects.

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 as also 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	Annual Income	₹2,04,756/-
2	Deduction - 1/3rd	₹1,36,504/- [₹2,04,756 - ₹68,252]
3	Future Prospects - 10%	₹1,50,154/- [₹1,36,504 + ₹13,650]
4	Multiplier - 9	₹13,51,386/- [₹1,50,154 x 9]
5	Loss of estate	₹18,000/-
6	Funeral expenses	₹18,000/-
7	Loss of consortium (i) Parental [₹48,000/- x 3] (ii) Spousal	₹1,44,000/- ₹48,000/- (Total ₹1,92,000/-)
	Total Compensation	₹15,79,386/-

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. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

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 claimant-appellants within six weeks from today and the apportionment thereof shall be as per the percentage directed by the Tribunal. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the claimant-appellants 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 award passed by the Tribunal is modified and the present appeal stands allowed accordingly. Pending applications, if any, also stand disposed off.

18.02.2026
jk

(ALKA SARIN)
JUDGE

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