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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3435-2021 (O&M)
Date of Decision : 28.01.2026

Shankutla Devi and Others ... Appellants

Versus

Jagjit Singh and Others ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ishaan Bhardwaj, Advocate for the appellants.

Mr. R.C. Gupta, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)

CM-14045-CII-2021

1. For the reasons stated in the application, the same is allowed. The delay of 385 days in filing the present appeal is condoned. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the present appeal.

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2. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Fatehabad (hereinafter referred to as 'Tribunal') vide the impugned award dated 25.01.2019 on account of death of Aad Ram (hereinafter referred to as the 'deceased') in a motor vehicle accident which occurred on 29.04.2018.

3. Since the factum of the accident is not in dispute, the facts are not being adverted to 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	₹8,000/-
2	Deduction - 1/3rd	₹5,333/- [₹8,000 - ₹2,667]
3	Future Prospects - 25%	₹6,667/- [₹5,333 + ₹1,334]
4	Multiplier - 14	₹11,20,056/- [₹6,667 x 12 x 14]
5	Loss of estate	₹15,000/-
6	Funeral expenses	₹15,000/-
7	Loss of and consortium	₹40,000/-
	Total Compensation	**₹11,90,056/-**
	Interest	**7.5% per annum**

5. Learned counsel for the claimant-appellants would contend that he does not challenge the deduction, multiplier and the addition towards future prospects as applied by the Tribunal. Learned counsel for the claimant-appellants has contended that the age of the deceased was 40 years as per statement of his widow however the Tribunal has wrongly assessed the age of the deceased as 45 years as per postmortem report. It is further the contention that the income assessed by the Tribunal is on the lower side inasmuch as minimum wage for an unskilled worker at the relevant point of time was ₹8497/- per month. Learned counsel for the claimant-appellants has further contended that the compensation awarded by the Tribunal under the conventional heads as well as under the head 'loss of consortium' is not in consonance 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]**.

6. *Per contra* learned counsel for respondent No.2-Insurance Company would contend that the age of the deceased has rightly been assessed as 45 years as per the postmortem report in the absence of any other evidence. 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.

7. Heard.

8. 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, multiplier and future prospects as applied by the Tribunal, the same are maintained accordingly. The argument of learned counsel for the claimant-appellants that the age of the deceased has wrongly been assessed as 45 years deserves to be rejected inasmuch as there is no evidence to show the age of the deceased, barring the statement of his widow. In the absence of any other evidence, the age of the deceased has rightly been assessed as 45 years on the basis of the postmortem report (Ex.P14). The argument of learned counsel for the claimant-appellants that income of the deceased has been assessed as ₹8,000/- per month is on the lower side, deserves to be accepted. The minimum wage for an unskilled worker in the State of Haryana at the relevant point of time was ₹8,497/- per month. Hence, income of the deceased is assessed as ₹8,497/- which is rounded off to ₹8,500/- per month.

9. 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 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 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	Monthly Income	₹8,500/-
2	Annual Income	₹1,02,000/- [₹8,500 x 12]
3	Deduction - 1/3rd	₹68,000/- [₹1,02,000 - ₹34,000]
4	Future Prospects - 25%	₹85,000/- [₹68,000 + ₹17,000]
5	Multiplier - 14	₹11,90,000/- [₹85,000 x 14]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 2] (ii) Spousal	 ₹96,000/- ₹48,000/- (Total ₹1,44,000/-)
	Total Compensation	**₹13,70,000/-**

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

11. 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 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.

12. 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.

28.01.2026 **(ALKA SARIN)**
jk **JUDGE**

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