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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6828-2023 (O&M)
Date of Decision : 11.02.2026

KAVITA AND ANOTHER .... Appellants

VERSUS

QAYYUM AND OTHERS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Monika Khatri, Advocate for
Mr. Vivek Khatri, Advocate for the appellants.

Mr. Lalit Garg, 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, Jhajjar (hereinafter referred to as 'the Tribunal') vide award dated 30.08.2022. In an accident which took place on 22/23.01.2018, four young lives were lost. Four separate claim petitions were filed. All the four claim petitions were disposed off vide a common award dated 30.08.2022. In the present case, the claim petition was filed by the widowed mother and the minor sister of the deceased.

2. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹18,600
2.	Annual income	[₹18,600 x 12] = ₹2,23,200
3.	Deduction @50%	[₹2,23,200 - ₹1,11,600] = ₹1,11,600
4.	Multiplier of 18	[₹1,11,600 x 18] = ₹20,08,800
5.	Funeral expenses	₹15,000
6.	Loss of estate	₹15,000
7.	Loss of consortium	[₹40,000 x 2] = ₹80,000
	Total Compensation	**₹21,18,800**
	Interest	**@ 9% per annum**

4. Learned counsel for the claimant-appellants would contend that the claimant-appellants do not challenge the income assessed and the multiplier as applied by the Tribunal, however, no addition has been made towards future prospects which ought to have been 40% keeping in view the age of the deceased who was 19 years old at the time of the accident. It is further the contention of the learned counsel that deduction of 50% has been made towards personal expenses which ought to have been 1/3rd keeping in view the fact that the widowed mother and the sister of the deceased were dependent upon the deceased. Learned counsel would further contend that the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses and under the head loss of consortium are on the lower side. In support of his contention, learned counsel 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 deduction of 50% has rightly been made by the Tribunal keeping in view the fact that the deceased was a bachelor. 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.

6. Heard.

7. In the present case, admittedly, there is no appeal filed by respondent No.3-Insurance Company. Since there is no challenge to the income assessed and the multiplier applied by the Tribunal, the same are maintained. The argument of the learned counsel for the claimant-appellants that no addition is made towards future prospects deserves to be accepted. 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 keeping in view the age of the deceased being 19 years at the time of the accident. Further the claimant-appellants in the present case are the widowed mother and the minor sister of the deceased. Both of them were totally dependent on the deceased. It has been observed by the Tribunal that the deceased was the only sole bread-earner in the family and that there was no other earning member. Hence, the deduction of 50% has wrongly been made by the Tribunal which ought to have been $1/3^{rd}$.

8. Further, the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses and under the head loss of consortium are not in consonance with the law laid down by the Hon'ble Supreme Court. 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 widowed mother and the minor sister of the deceased, would be entitled to amount under the head loss of consortium to the tune of ₹48,000 each (₹40,000 + 20% increase).

9. Accordingly, the reworked compensation to which the claimant-appellants are entitled to is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹18,600
2.	Annual income	[₹18,600 x 12] = ₹2,23,200
3.	Deduction @ 1/3rd	[₹2,23,200 - ₹74,400] = ₹1,48,800
4.	Future prospects @40%	[₹1,48,800 + ₹59,520] = ₹2,08,320
5.	Multiplier of 18	[₹2,08,320 x 18] = ₹37,49,760
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium Filial consortium	[₹48,000 x 2] = ₹96,000
	Total Compensation	**₹38,81,760**

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.3-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.3-Insurance company within a period of two weeks from today and needful shall be done by respondent No.3-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.

11.02.2026 **(ALKA SARIN)**
Aman Jain **JUDGE**

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