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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-8190-2015 (O&M)
Date of Decision : 22.01.2026

Sushma Devi & Ors ... Appellant(s)

Versus

Vikas & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. Deepak Kundu, Advocate for respondent No.1.

Mr. V.M. Gupta, Advocate and
Ms. Tanvi Aggarwal, 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, Rohtak (hereinafter referred to as 'Tribunal') vide the impugned award dated 13.02.2015 in a motor vehicle accident which occurred on 16.03.2011.

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	₹13,389/-

2	Annual Income	₹1,60,668/- [₹13,389 x 12]
3	Deduction - 1/3rd	₹1,07,648/- [₹1,60,668 - ₹53,020]
4	Multiplier - 14	₹15,07,072/- [₹1,07,648 x 14]
5	Funeral expenses	₹25,000/-
6	Loss of consortium	₹50,000/-
7	Loss of love and affection	₹1,50,000/-
8	Pain and suffering	₹1,00,000/-
	Total Compensation	**₹18,32,072/-**
	Interest	**8%**

4. Learned counsel for the claimant-appellants would contend that he does not challenge the income and the compensation awarded under the conventional heads as well as under the head loss of consortium as well as towards pain and suffering. He, however, states that the Tribunal has wrongly applied a multiplier of 14 and has also not made any addition towards future prospects. Learned counsel would further contend that the deceased was 40 years of age at the time of the accident, hence, a multiplier of 15 and an addition of 40% towards future prospects ought to have been applied. It is further the contention of the learned counsel that in the present case there are four claimants being widow and three children and a deduction of 1/3rd has wrongly been applied by the Tribunal, which should be 1/4th. In support of his contentions, he has relied upon the judgments of the Hon'ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]** and **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**.

5. *Per contra*, the learned counsel for respondent No.3-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.

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 income of the deceased, the same is maintained accordingly. However, the Tribunal has not made any addition towards future prospects as also a multiplier of 14 has wrongly been applied inasmuch as the deceased was admittedly 40 years of age. Hence, as per the law laid down by the Hon'ble Supreme Court in the cases of **Pranay Sethi** (supra) and **Sarla Verma** (supra), 40% addition is made towards future prospects and a multiplier of 15 would be applicable. In the present case, the Tribunal has also wrongly applied a deduction of 1/3rd inasmuch as the number of claimants is four, hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), a deduction of 1/4th would be applicable instead of 1/3rd. So far as the compensation awarded by the Tribunal towards funeral expenses, loss of consortium and pain and suffering, the same is not in accordance with law laid down by the Hon'ble Supreme Court in the cases of **Pranay Sethi** (supra), **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]**, hence, the same is required to be reworked out. Accordingly, 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 and three children 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	₹13,389/-
2	Annual Income	₹1,60,668/- [₹13,389 x 12]
3	Deduction - 1/4th	₹1,20,501/- [₹1,60,668 - ₹40,167]
4	Future Prospects - 40%	₹1,68,702/- [₹1,20,501 + ₹48,201]
5	Multiplier - 15	₹25,30,530/- [₹1,68,702 x 15]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 3] (iii) Spousal	 ₹1,44,000/- ₹48,000/- (Total ₹1,92,000/-)
	Total Compensation	**₹27,58,530/-**

8. 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.

9. 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 and the share of the minor claimants shall be kept in fixed deposits by the Bank concerned. 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.

10. 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.

22.01.2026
Yogesh Sharma

(ALKA SARIN)
JUDGE

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