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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6381-2023 (O&M)
Date of Decision : 28.01.2026

Manjeet and Others ... Appellants

Versus

Naresh Kumar and Another ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ketan Antil, Advocate for the appellants.

Mr. Punit Jain, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)

CM-21931-CII-2023

1. Notice in the application for condonation of delay of 135 days in filing the present appeal.

2. Mr. Punit Jain, Advocate, who is present in Court, accepts notice on behalf of the Insurance Company and states that he has no objection if the delay is condoned.

3. For the reasons stated in the application, the same is allowed. The delay of 135 days in filing the present appeal is condoned. However, the claimants shall not be entitled to any interest for the period of delay in filing the present appeal.

4. With the consent of learned counsel for the parties, the main appeal is taken on Board today itself.

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5. Challenge in present appeal is only to the quantum of

compensation awarded by the Motor Accident Claims Tribunal, Sonipat (hereinafter referred to as the 'Tribunal') vide award dated 29.03.2023 on account of death of Raju (hereinafter referred to as the 'deceased') in a motor vehicle accident on 30.12.2021.

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

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

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹9,803/-
2	Annual Income	₹1,17,636/- [₹9,803 x 12]
3	Income after addition of future prospects @ 25%	₹1,47,036/-
4	Income after applying the deduction of 1/3rd	₹98,024/-
5	Multiplier - 13	₹12,74,312/- [₹98,024 x 13]
6	Loss of estate	₹16,500/-
7	Funeral expenses	₹16,500/-
8	Loss of spousal consortium	₹40,000/-
	Total Compensation	**₹13,47,312/- (rounded off to ₹13,47,300/-)**
	Interest	**7.5%**

8. Learned counsel for the claimant-appellants would contend that he does not challenge the deduction, multiplier and the future prospects as assessed by the Tribunal. He however states that the income of the deceased has been assessed on the lower side as the deceased was earning ₹18,000/- per month since he was employed as a sweeper with KS 31 Restaurant. It is further the contention that the compensation awarded 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]**.

9. *Per contra* learned counsel for respondent No.2-Insurance Company would contend that income of the deceased has rightly been assessed in the absence of any evidence that he was employed as a sweeper with KS 31 Restaurant and was drawing a salary of ₹18,000/- per month. Learned counsel for respondent No.2-Insurance Company has further contended that no salary slip, attendance record, bank account statement or income tax return was produced on record to show the salary of the deceased. It is further the contention that sufficient amount of compensation has already been awarded and that there is no scope of any enhancement.

10. Heard.

11. 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. Though it has been claimed by the claimant-appellants that the deceased was earning a salary of ₹18,000/- per month being employed as a sweeper with KS 31 Restaurant however there is no evidence on record to even remotely show that the deceased was drawing a salary of ₹18,000/- per month. The claimant-appellants have not produced on record any salary slip, attendance record, bank account statement or income tax return to show that the income of the

deceased was ₹18,000/- per month. In the absence of any cogent and reliable evidence, the Tribunal has rightly assessed the income of the deceased as per minimum wages applicable to an unskilled worker at the relevant point of time as ₹9,803/- per month. Hence, the argument of learned counsel for claimant-appellants qua income of the deceased stands rejected.

12. 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	₹9,803/-
2	Annual Income	₹1,17,636/- [₹9,803 x 12]
3	Deduction - 1/3rd	₹78,424/- [₹1,17,636 - ₹39,212]
4	Future Prospects - 25%	₹98,030/- [₹78,424 + ₹19,606]
5	Multiplier - 13	₹12,74,390/- [₹98,030 x 13]
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	**₹14,54,390/-**

13. 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.

14. 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.

15. 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