



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6134-2024 (O&M)
Date of Decision : 11.02.2026

Asma and Others ... Appellants

Versus

Amit Kumar and Others ... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Varuna Singh, Advocate for the appellants.
Ms. Manvi Verma, Advocate for
Mr. Rajneesh Malhotra, Advocate for respondent No.5.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Sonipat (hereinafter referred to as ‘Tribunal’) vide the impugned award dated 03.09.2024 on account of death of Gulbahar in a motor vehicle accident which occurred on 14.06.2023.
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	₹10,532/-
2	Deduction - 1/5th	₹8,425/- [₹10,532 - ₹2,107]
3	Future Prospects - 40%	₹11,795/- [₹8,425 + ₹3,370]

4	Annual Income	₹1,41,543/- [₹11,795 x 12]
5	Multiplier - 16	₹22,64,688/- [₹1,41,543 x 16]
6	Loss of estate	₹16,500/-
7	Funeral expenses	₹16,500/-
8	Loss of consortium	₹1,20,000/-
	Total Compensation	₹24,17,688/- rounded off to ₹24,18,000/-
	Interest	7.5% per annum

4. Learned counsel for the claimant-appellants states that she does not challenge the deduction, future prospects and multiplier as applied by the Tribunal. She, however, states that the income of the deceased has been assessed as that of an unskilled worker however he was a mason, hence, his income ought to have been assessed as that of a skilled worker. It is further the contention of the learned counsel that the compensation awarded under the conventional heads as well as under the head ‘loss of consortium’ 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. Chola mandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.
5. *Per contra* learned counsel for respondent No.5-Insurance Company has contended that there is no evidence to the effect that the deceased was working as a mason hence his income has rightly been assessed by the Tribunal. 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. 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 future prospects, deduction and

multiplier as applied by the Tribunal, the same are maintained accordingly. The argument of learned counsel for the claimant-appellants that the income of the deceased ought to have been assessed as that of a skilled worker cannot be accepted in the absence of any reliable and cogent evidence having been led by the claimant-appellants. There is not an iota of evidence which was led by the claimant-appellants to even remotely suggest that the deceased was working as a mason. In view thereof, no fault can be found with the income as assessed by the Tribunal and the same is maintained.

8. The argument of learned counsel for the claimant-appellants that 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), deserves to be accepted. 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	₹10,532/-
2	Annual Income	₹1,26,384/- [₹10,532 x 12]
3	Deduction - 1/5th	₹1,01,107/- [₹1,26,384 - ₹25,277]
4	Future Prospects - 40%	₹1,41,550/- [₹1,01,107 + ₹40,443]
5	Multiplier - 16	₹22,64,800/- [₹1,41,550 x 16]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 6] (ii) Filial [₹48,000/- x 1] (iii) Spousal	₹2,88,000/- ₹48,000/- ₹48,000/- (Total ₹3,84,000/-)
	Total Compensation	₹26,84,800/-

9. 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.

10. 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 and the share of the minor claimants (appellant Nos.2 to 7 herein) 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 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.

11. 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.

11.02.2026
jk

(ALKA SARIN)
JUDGE

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