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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-3825-2023 (O&M)

Date of Decision : 04.09.2025

VINOD KUMAR AND ORS

.... Appellants

VERSUS

NARESH KUMAR SAINI AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Yadav, Advocate for the appellants.

Mr. Vinod Gupta, 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 27.03.2023.

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 had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹10,000
2.	Future prospects @ 10%	[₹10,000 + ₹1,000] = ₹11,000
3.	Deduction 1/3 rd	[₹11,000 - ₹3,666] = ₹7,334
4.	Annual income	[₹7,334 x 12] = ₹88,008
5.	Multiplier of 9	[₹88,008 x 9] = ₹7,92,072
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
8.	Medical bills	₹4,051
	Total Compensation	₹8,26,123
	Interest	@ 6% per annum

4. Learned counsel for the claimant-appellants would contend that though the claimant-appellants do not challenge the income as assessed, the addition made towards future prospects, the multiplier applied and the medical expenses granted by the Tribunal, however, 1/3rd deduction has wrongly been made inasmuch as claimants in the present case were 5 including the married daughters. Learned counsel has relied upon the judgment of the Hon'ble Supreme Court in the cases of **Seema Rani & Ors. vs. The Oriental Insurance Company Limited & Ors. [2025 (2) RCR (Civil) 48]** and **National Insurance Company Limited vs. Birender & Ors. [AIR 2020 SC 434]** to contend that a major son and a married daughter are also to be included and treated as legal representatives for the purposes of a claim under the Motor Vehicles Act, 1988 and keeping in view the number of dependents/claimants, a deduction of 1/4th would be applicable in the present case. It is further the contention of the learned counsel that the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses are on the lower side. In support of his contentions the learned counsel for the claimant-appellants 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]** and that no amount has been awarded under the head loss of consortium.

5. *Per contra*, the learned counsel for respondent No.3-Insurance Company would contend that the amount awarded does not require any interference as sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement. It is further the contention of the learned counsel that 1/3rd deduction has rightly been made and married daughters are not to be included.

6. Heard.

7. In the present case, since there is no challenge to the income as assessed, the addition made towards future prospects, the multiplier applied and the medical expenses granted by the Tribunal, the same are maintained. The arguments of the learned counsel for the claimant-appellants qua inclusion of a major son and a married daughter as dependents and the deduction of 1/4th deserves to be accepted. The Hon'ble Supreme Court in the case of **Seema Rani** (supra) has held as under :

“9. We have heard the learned counsel for the Appellants. We are unable to agree with the view taken by the Tribunal on the dependents of the deceased. This Court in National Insurance Company Limited v. Birender & Ors., (2020) 11 SCC 356 had expounded that major married and earning sons of the deceased, being legal representatives, have a right to apply for compensation, and the Tribunal must consider the application, irrespective of whether the representatives are fully dependent on the deceased or not. The Court went on to conclude that since the sons, in that

case, were earning merely Rs. 1,50,000/- per annum, they were largely dependent on the earnings of the deceased and were staying with her.”

In view of the law laid down by the Hon'ble Supreme Court in the case of **Seema Rani** (supra), the major son and the married daughters would also be held to be dependents and thus the number of claimants would be 5 and as such a deduction of 1/4th would be applicable in the present case.

8. Further, the amounts awarded under the conventional heads is on the lower side and no amount has been awarded under the head loss of consortium. 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 and the claimant-appellants, being the children of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

9. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹10,000
2.	Annual income	[₹10,000 x 12] = ₹1,20,000
3.	Deduction 1/4 th	[₹1,20,000 - ₹30,000] = ₹90,000
4.	Future prospects @ 10%	[₹90,000 + ₹9,000] = ₹99,000
5.	Multiplier of 9	[₹99,000 x 9] = ₹8,91,000
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Parental	[₹48,000 x 5] = ₹2,40,000
9.	Medical expenses	₹4,051
	Total Compensation	₹11,71,051

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 account(s) of the claimant-appellants within a period of six weeks from today. The particulars of the bank account(s) 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.

04.09.2025

Aman Jain

NOTE:

Whether speaking/non-speaking: Speaking

Whether reportable: Yes/No

(ALKA SARIN)

JUDGE