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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

FAO-6075-2019 (O&M)

Date of Decision : 26.08.2025

ANITA AND ANR

.... Appellants

VERSUS

SANJEEV KUMAR AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sumit Gupta, Advocate for the appellants.

None for respondents No.1 and 2.

Mr. Vishwajit Bedi, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

CM-20155-CII-2019

1. This is an application for condonation of delay of 77 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 77 days in filing the main appeal is condoned.

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3. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as the 'Tribunal') vide award dated 12.03.2019.

4. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹24,544
2.	Annual income	[₹24,544 x 12] = ₹2,94,528
3.	Future prospects 25%	[₹2,94,528 + ₹73,632] = ₹3,68,160
4.	Deduction 1/3 rd	[₹3,68,160 - ₹1,22,720] = ₹2,45,400
5.	Multiplier of 13	[₹2,45,400 x 13] = ₹31,90,720 (amount awarded by the Tribunal ₹31,90,668)
6.	Loss of funeral and transportation etc.	₹15,000
7.	Loss of estate	₹15,000
8.	Loss of consortium	₹40,000
	Total Compensation	₹32,60,720 (amount awarded by the Tribunal ₹32,60,668)
	Interest	@ 6% per annum

6. Learned counsel for the claimant-appellants would contend that the claimant-appellants do not dispute the addition of 25% made towards future prospects, deduction of 1/3rd and the multiplier of 13 as applied by the Tribunal. Learned counsel, however, states that the income of the deceased has wrongly been assessed as ₹24,544 excluding deductions which ought to have been ₹30,148 as per the salary slip (Ex.P5). Learned counsel would further contend that the compensation awarded under the head 'loss of consortium' and under the conventional heads is also on the lower side. It is further the contention of the learned counsel that though the Tribunal has

dismissed the claim petition qua Ajay (claimant No.2 in the claim petition/respondent No.4 herein) however he being the son of the deceased would be entitled to compensation under the head loss of consortium. 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]**.

7. *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.

8. Heard.

9. In the present case while assessing the income of the deceased the Tribunal has wrongly taken his carry home salary as his income. Recently, the Hon'ble Supreme Court in a judgment dated 11.07.2024 titled as **National Insurance Company Ltd. v. Nalini and Ors. [2024 SCC OnLine SC 2252]** has held that allowances under the heads of transport allowance, house rent allowance, provident fund loan, provident fund and special allowance ought to be added while considering the basic salary of the victim/deceased to arrive at the dependency factor.

A perusal of the salary slip (Ex.P5) of the deceased reveals that the deceased was getting a gross total salary of ₹30,148 which comprised of

various allowances, which form part of his salary as is also noticed by the Tribunal in the impugned award. Accordingly, the income of the deceased is assessed as ₹30,148 per month. Since there is no challenge to the addition of 25% made towards future prospects, deduction of 1/3rd and the multiplier of 13 as applied by the Tribunal, the same are maintained.

10. Further, the amount awarded under the conventional heads is on the lower side. 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 loss of consortium is a loss of companionship, affection and other intangible benefits that a spouse/daughter/son derives from a relationship. Thus, the claimant-appellants and proforma respondent No.4, being widow and children of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

11. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹30,148
2.	Annual income	[₹30,148 x 12] = ₹3,61,776
3.	Future prospects 25%	[₹3,61,776 + ₹90,444] = ₹4,52,220
4.	Deduction 1/3 rd	[₹4,52,220 - ₹1,50,740] = ₹3,01,480
5.	Multiplier of 13	[₹3,01,480 x 13] = ₹39,19,240
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of Consortium : (i) Parental (children) (ii) Spousal	[₹48,000 x 2] = ₹96,000 ₹48,000 Total = ₹1,44,000
	Total Compensation	₹40,99,240

12. 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. Respondent No.4, Ajay, shall be entitled to the loss of consortium awarded to him.

13. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 AIR (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 and proforma respondent No.4 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.

14. 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.

26.08.2025
Aman Jain

(ALKA SARIN)
JUDGE

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