



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

FAO-7454-2016 (O&M)

Date of Decision : 05.03.2025

Rishima Goyal & Ors ... Appellant(s)

Versus

Jaswant Singh & Anr. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Dhirinder Chopra, Advocate for the appellants.

Mr. Abhinav Jain, Advocate for respondent No.1.

Mr. Harsh Aggarwal, Advocate for respondent No.2.

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, Moga (hereinafter referred to as 'Tribunal') vide the impugned award dated 25.07.2016 in a motor vehicle accident which occurred on 25.02.2014.

2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.

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

Sr. No.	Heads	Compensation Awarded
1	Annual income	₹5,50,000/-
2	Deduction 1/3 rd	[₹5,50,000 – 1,83,333] = ₹3,66,666.67/-
3	Multiplier of 16	[₹3,66,666.67 x 16] = ₹58,66,666.67 (rounded off as ₹58,66,700/-)

4	Loss of consortium	₹1,00,000/-
5	Love and affection	₹1,00,000/- (to parents) ₹50,000/- (to children)
6.	Funeral expenses	₹25,000/-
7	Loss of estate	₹20,000/-
	Total Compensation	₹61,61,700/-
	Interest	8%

4. Learned counsel for the claimant-appellants has not laid any challenge to the income of the deceased i.e. ₹5,50,000/- per annum as assessed by the Tribunal as well as the multiplier of '16'. However, he has contended that deduction as 1/3rd has wrongly been applied by the Tribunal whereas it ought to have been 1/4th inasmuch as there were five dependents upon the deceased. It is further the contention of the learned counsel for the claimant-appellants that no addition has been made towards future prospects and that the amounts awarded under the head 'loss of consortium' as well as under the conventional heads are on the lower side. In support of his contentions, he 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]**.

5. *Per contra*, the learned counsel for respondent No.2-Insurance Company has vehemently argued that the income of the deceased has been assessed on the higher side and 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. In the present case, no challenge has been laid by the learned counsel for the claimant-appellants to the income of the deceased i.e. ₹5,50,000/- per annum as well as multiplier of '16' as applied by the Tribunal and coupled with the fact that there is no appeal by the Insurance Company and, hence, the same are maintained. The Tribunal has wrongly applied a deduction as 1/3rd inasmuch as there were five dependents and, hence, a deduction of 1/4th would be applicable. Further, no addition has been made by the Tribunal towards future prospects. The deceased was 34 years of age at the time of the accident and, hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 40% addition is made towards future prospects. Further, the amounts awarded under the conventional heads and under the head 'loss of consortium' are 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) and 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 and the claimants (wife, two children, parents and grandmother 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	Annual Income	₹5,50,000/-
2	Deduction 1/4th	₹4,12,500/- [₹5,50,000 – 1,37,500]
3	Future Prospects - 40%	₹5,77,500/- [₹4,12,500 + 1,65,000]

4	Multiplier - 16	₹92,40,000/- [₹5,77,500 x 16]
5	Loss of estate	₹18,000/-
6	Funeral expenses	₹18,000/-
7	Loss of consortium (i) Parental [₹48,000/- x 2] (ii) Filial [₹48,000/- x 3] (iii) Spousal's	₹96,000/- ₹1,44,000/- ₹48,000/- (Total ₹2,88,000/-)
	Total Compensation	₹95,64,000/-

8. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 8% 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 claimants as directed by the Tribunal.

9. 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.

05.03.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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