

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****292****FAO-5915-2019 (O&M)****Date of Decision : 27.05.2025**

Jagbiri

....Appellant

VERSUS

Sanjeev Kumar and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Yash Goyal, Advocate for the appellant.

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

ALKA SARIN, J. (Oral)**CM-19787-CII-2019**

1. For the reasons stated in the application, the same is allowed.

The delay of 70 days in filing the present appeal is condoned.

FAO-5915-2019

2. Present appeal has been preferred by the claimant-appellant 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 on account of death of Jhaman (hereinafter referred to as the 'deceased').

3. 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.

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

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹8,300/-
2	Future prospects @ 25%	[₹8,300 + 2,075] = ₹10,375/-
3	Deduction – 50%	[₹10,375 – 5,188] = ₹5,187/-
4	Annual income	[₹5,187 x 12] = ₹62,244/-
5	Multiplier – 13	[₹62,244 x 13] = ₹8,09,172/-
6	Loss of funeral and transportation	₹15,000/-
7	Loss of estate	₹15,000/-
8	Loss of consortium	₹40,000/-
	Total compensation	₹8,79,172/-
	Interest	6% per annum

5. Learned counsel for the claimant-appellant would contend that though he does not challenge the multiplier and the addition towards loss of future prospects as assessed by the Tribunal, however, the income of the deceased has wrongly been assessed as ₹8,300/- per month whereas the same ought to have been assessed on the basis of the minimum wages applicable to an unskilled worker at the relevant point of time i.e. ₹8,541/- per month. It is further the contention that the Tribunal has deducted 50% towards dependency. There are three dependents of the deceased and hence, a deduction of 1/3rd ought to have been applied. It is further the contention that the amounts awarded under the conventional heads as well as under the head ‘loss of consortium’ are also not in consonance with the law laid down by Hon’ble Supreme Court. In support of his contentions, he has relied upon the judgments of the Hon’ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]**,

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].

6. *Per contra* learned counsel for respondent No.3-Insurance Company would contend that both the children of the deceased are majors and hence the Tribunal has rightly applied a deduction of 50% and that sufficient amount has already been awarded and there is no scope of any enhancement.

7. Heard.

8. In the present case, no appeal has been filed by respondent No.3-Insurance Company. Since there is no challenge to the multiplier and addition towards loss of future prospects as assessed by the Tribunal, the same are accordingly maintained. The income of the deceased as assessed by the Tribunal, in the opinion of this Court, is on the lower side inasmuch as the minimum wages for an unskilled worker at the relevant point of time were ₹8,541/- and hence the income of the deceased is assessed as ₹8,541/- per month.

9. The argument of learned counsel for respondent No.3 that both the children of the deceased are majors and hence the Tribunal has rightly applied a deduction of 50% deserves to be rejected inasmuch as both the children at the time of the accident were 20 and 18 years old. In modern times, education, training, and skill development extend beyond the age of 20. Many children continue their studies until their early twenties. During this period, they remain financially dependent on their parents, especially

their father, who is traditionally the primary breadwinner and hence, keeping in view the fact that there are three dependents of the deceased, a deduction of 1/3rd would be applicable in view of the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (*supra*). Further, the amounts awarded under the conventional heads as well as under the head 'loss of consortium' are also not in accordance with the law and 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 Rs.18,000/- (Rs.15,000+20% increase) towards loss of estate and Rs.18,000/- (Rs.15,000+20% increase) towards funeral expenses. The claimant-appellants would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of consortium.

10. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹8,541/-
2	Annual Income	₹1,02,492/- [₹8,541 x 12]
3	Deduction - 1/3 rd	₹68,328/- [₹1,02,492 – 34,164]
4	Future Prospects - 25%	₹85,410/- [₹68,328 + 17,082]
5	Multiplier - 13	₹11,10,330/- [₹85,410 x 13]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 2] (iii) Spousal's	₹96,000/- ₹48,000/- (Total ₹1,44,000/-)
	Total Compensation	₹12,90,330/-

11. 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.

12. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 INSC 361 : Civil Appeal No.4299 of 2025 arising out of SLP (C) No.4484 of 2020 decided on 18.03.2025]**, after calculation of the enhanced amount, the same be transferred by the Insurance Company in the bank account(s) of the claimant-appellant 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 document(s) in support thereof shall be furnished by the claimant-appellant 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.

13. In view of the above discussion, the award passed by the Tribunal is modified and the present appeals stand allowed accordingly. Pending applications, if any, also stand disposed off.

27.05.2025

jk

(**ALKA SARIN**)
JUDGE

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