



303

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

FAO-3821-2022 (O&M)

Date of Decision : 25.08.2025

Vikas Kumar & Ors ... Appellant(s)

Versus

Subhash Chander & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ajay Vijarania, Advocate for the appellants.

Mr. Nigam K. Bhardwaj, 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, Hisar, (hereinafter referred to as 'Tribunal') vide the impugned award dated 07.04.2022 in a motor vehicle accident which occurred on 13.03.2019.

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	Loss of dependency	₹48,39,093/-
2	Compensation on account of consortium (including parental consortium)	₹2,20,000/- [₹44,000 x 5]
3	Funeral expenses	₹16,500/-

4	Loss of estate	₹16,500/-
5	Total	₹50,92,093/-
6	Deduction for 2006 Scheme	₹9,26,019/-
7	Total Compensation	₹41,66,074/- (rounded off ₹41,66,000/-
	Interest	6% per annum

4. The only argument of the learned counsel for the claimant-appellants is 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 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*, learned counsel for respondent No.3-Insurance Company has contended 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. Admittedly, no appeal has been preferred by the Insurance Company. Since the only challenge, in the present case, is qua the compensation awarded under the conventional heads as well as under the head 'loss of consortium', the compensation awarded under the other heads is accordingly maintained. The compensation awarded by the Tribunal under the conventional heads and under the head 'loss of consortium' is not as per the

law. Accordingly, 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 claimants 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 and four children 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	Loss of dependency	₹48,39,093/-
2	Loss of estate	₹18,000/-
3	Funeral expenses	₹18,000/-
4	Loss of consortium (i) Parental [₹48,000/- x 4] (ii) Spousal	₹1,92,000/- ₹48,000/- (Total ₹2,40,000/-)
5	Total Compensation	₹51,15,093/-
6	Deduction for 2006 Scheme	₹9,26,019/-
7	Total Compensation	₹41,89,074/-

8. 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.

9. 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 direction of the Tribunal. The particulars of the bank account(s) alongwith the requisite documents(s) in support thereof shall be furnished by the

claimants 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.

10. In view of the above, the present appeal is allowed and the impugned award stands modified to the extent stated above. Pending applications, if any, also stand disposed off.

25.08.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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