



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

**FAO-1254-2000 (O&M)**

**Date of Decision : 04.03.2025**

Nirmal Malhotra & Ors

... Appellant(s)

Versus

Jaswinder Singh & Ors

... Respondent(s)

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Ms. Shubreet Kaur, Advocate for the appellants.

Mr. Satpal Dhamija, 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, Chandigarh (hereinafter referred to as 'Tribunal'), vide the impugned award dated 21.12.1999 in a motor vehicle accident which occurred on 03.11.1995.

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	Monthly income	₹10,387/-
2	Deduction 1/3 <sup>rd</sup>	[₹10,387 – 3,462] = ₹6,924/- (rounded off as ₹7,000/-)

3	Annual income	[₹7,000 x 12] = ₹84,000/-
4	Multiplier of 12	[₹84,000 x 12] = ₹10,08,000/-
	<b>Total Compensation</b>	<b>₹10,08,000/-</b>

4. Learned counsel for the claimant-appellants would contend that though the income of the deceased was rightly assessed as ₹10,387/- per month, however, 1/3<sup>rd</sup> deduction as well as multiplier of 12 has wrongly been applied by the Tribunal. The deduction ought to have been 1/4<sup>th</sup> since there were four dependents and multiplier of '14' would be applicable keeping in view the age of the deceased as 42 years at the time of the accident. It is further the contention of the learned counsel for the claimant-appellants that no addition has been made towards future prospects and that no amount has been awarded under the head 'loss of consortium' as well as under the conventional heads. In support of her contentions, she 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]**.

5. *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.

6. I have heard the learned counsel for the parties.

7. In the present case, though the Tribunal has rightly assessed the income of the deceased as ₹10,387/- per month, however, deduction as well as the multiplier has wrongly been applied by the Tribunal. Since there were four dependents, a deduction of 1/4<sup>th</sup> would be applicable and as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), multiplier of '14' would be applicable keeping in view the age of the deceased as 42 years at the time of the accident. Further, no addition has been made by the Tribunal towards future prospects. In the present case the deceased was 42 years of age at the time of the accident and was a permanent employee and, hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 30% addition is made towards future prospects. Further, no amount has been awarded under the conventional heads as well as under the head 'loss of consortium' 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 ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses and the claimant-appellants (wife, two children and mother 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	<b>Monthly Income</b>	₹10,387/-
2	<b>Annual Income</b>	₹1,24,644/- [₹10,387 x 12]
3	<b>Deduction 1/4<sup>th</sup></b>	₹93,483/- [₹1,24,644 – 31,161]

4	<b>Future Prospects - 30%</b>	₹1,21,528/- [₹93,483 + 28,045]
5	<b>Multiplier - 18</b>	₹21,87,504/- [₹1,21,528 x 18]
6	<b>Loss of estate</b>	₹18,000/-
7	<b>Funeral expenses</b>	₹18,000/-
8	<b>Loss of consortium</b> (i) Parental [₹48,000/- x 2] (ii) Filial (iii) Spousal's	₹96,000/- ₹48,000/- ₹48,000/- (Total ₹1,92,000/-)
	<b>Total Compensation</b>	<b>₹24,15,504/-</b>

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. 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.

04.03.2025  
Yogesh Sharma

( ALKA SARIN )  
JUDGE

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