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

FAO-5840-2019 (O&M)

Date of Decision : 08.04.2025

Bashira & Anr ... Appellant(s)

Versus

Balkar Singh & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ishan Cooner, Advocate for the appellants.

Ms. Alka Joshi, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

CM-19598-CII-2019

1. For the reasons mentioned therein, the application seeking condonation of delay of 89 days in filing the appeal is allowed and the delay of 89 days in filing the appeal is condoned.

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2. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Panchkula vide the impugned award dated 25.02.2019.

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 | ₹8,200/- |
| 2 | Future Prospects - 40% | [₹8,200 + 3,280] = ₹11,480/- |
| 3 | Deduction 50% | [₹11,480 - 5,740] = ₹5,740/- |
| 4 | Annual Income | [₹5,740 x 12] = ₹68,880 |
| 5 | Multiplier - 18 | [₹68,880 x 18] = ₹12,39,840/- |
| 6 | Loss of estate | ₹15,000/- |
| 7 | Funeral expenses | ₹15,000/- |
| 8 | Love and affection | ₹40,000/- |
| 9 | Total Compensation | ₹13,09,840/- |
| | Interest | 7.5% |

5. Learned counsel for the claimant-appellants has contended that though he does not wish to challenge the income, deduction, addition of future prospects and the multiplier as applied by the Tribunal, however, he has contended that 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 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]**.

6. *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.

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

8. In the present case, no appeal has been preferred by the Insurance Company. Since no challenge has been laid by the learned counsel for the claimant-appellants qua the income, deduction, addition of future prospects and the multiplier as applied by the Tribunal, the same are accordingly maintained. However, 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 (parents 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 | Monthly Income | ₹8,200/- |
| 2 | Annual Income | ₹98,400/- [₹8,200 x 12] |
| 3 | Deduction 50% | ₹49,200/- [₹98,400 – 49,200] |
| 4 | Future Prospects - 40% | ₹68,880/- [₹49,200 + 19,680] |
| 5 | Multiplier - 18 | ₹12,39,840/- [₹68,880 x 18] |
| 6 | Loss of estate | ₹18,000/- |
| 7 | Funeral expenses | ₹18,000/- |
| 8 | Loss of consortium (i) Filial [₹48,000/- x 2] | ₹96,000/- |
| | Total Compensation | ₹13,71,840/- |

9. 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.

10. 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 claimants 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 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.

11. In view of the above discussion, the present appeal is allowed and accordingly the impugned award passed by the Tribunal stands modified to the above extent. Pending applications, if any, also stand disposed off.

08.04.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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