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

FAO-5330-2023 (O&M)

Date of Decision : 08.09.2025

SUMITRA

... Appellant

VERSUS

RAJESH KUMAR YADAV AND ORS

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

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

Mr. Vinod Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

CM-18167-CII-2023

1. This is an application for condonation of delay of 386 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 386 days in filing the main appeal is condoned. However, the claimant-appellant shall not be entitled to any interest for the period of delay in filing the main appeal.

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3. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Panipat (hereinafter referred to as the 'Tribunal') vide award dated 18.05.2022.

4. Since the factum of the accident is not in dispute, the facts, as recorded in the impugned award passed by the Tribunal, are not being

adverted to herein for the sake of brevity.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,100
2.	Annual income	[₹9,100 x 12] = ₹1,09,200
3.	Deduction @ 50%	[₹1,09,200 - ₹54,600] = ₹54,600
4.	Future prospects @ 40%	[₹54,600 + ₹21,840] = ₹76,440
5.	Multiplier of 18	[₹76,440 x 18] = ₹13,75,920
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
8.	Loss of consortium	₹40,000
	Total Compensation	₹14,45,920
	Interest	@ 6% per annum

6. Learned counsel for the claimant-appellant would contend that though the claimant-appellant does not challenge the income as assessed, the deduction, the addition made towards the future prospects and the multiplier applied by the Tribunal, however, the amounts awarded under the conventional heads i.e. funeral expenses and loss of estate and under the head loss of consortium are not in accordance with the law laid down by 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]**.

7. *Per contra*, the learned counsel for the 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.

8. Heard.

9. In the present case, since there is no challenge to the income as assessed, the deduction, the addition made towards the future prospects and the multiplier applied by the Tribunal, the same are accordingly maintained. The amounts awarded under the conventional heads and under the head loss of consortium are not in consonance with the law laid down by the Hon'ble Supreme Court. 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-appellant would be entitled to ₹18,000 (₹15,000 + 20% increase) towards loss of estate and ₹18,000 (₹15,000 + 20% increase) towards funeral expenses. The claimant-appellant and proforma respondent No.4, being the parents of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

10. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,100
2.	Annual income	[₹9,100 x 12] = ₹1,09,200
3.	Deduction @ 50%	[₹1,09,200 - ₹54,600] = ₹54,600
4.	Future prospects @ 40%	[₹54,600 + ₹21,840] = ₹76,440
5.	Multiplier of 18	[₹76,440 x 18] = ₹13,75,920
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Filial	[₹48,000 x 2] = ₹96,000
	Total Compensation	₹15,07,920

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. The amount shall be apportioned between the claimant-appellant and proforma respondent No.4 as directed by the Tribunal. However, the claimant-appellant and proforma respondent No.4 shall not be entitled to any interest for the period of delay in filing the main appeal.

12. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [AIR 2025 SC 1713]**, after calculation of the enhanced amount, the same be transferred by respondent No.3-Insurance Company in the bank account(s) of the claimant-appellant and proforma respondent No.4 within a period of six weeks from today. The particulars of the bank account(s) along with the requisite documents in support thereof shall be furnished by the claimant-appellant to respondent No.3-Insurance company within a period of two weeks from today and needful shall be done by respondent No.3-Insurance Company after verification thereof within a period of four weeks thereafter along with up-to-date interest. The compliance shall be reported by the Bank to the Tribunal concerned.

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

08.09.2025

Aman Jain

NOTE:

Whether speaking/non-speaking: Speaking

Whether reportable: Yes/No

(ALKA SARIN)

JUDGE