



120

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

FAO-4746-2018 (O&M)

Date of Decision : 25.09.2025

PARAMJEET KAUR AND ANR

.... Appellants

VERSUS

BALWINDER SINGH AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Paramveer Singh, Advocate for the appellants.

None for respondent No.2 despite service.

Mr. R.C. Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

CM-15881-CII-2018

1. This is an application for condonation of delay of 83 days in filing the appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 83 days in filing the appeal is condoned.

FAO-4746-2018

3. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, SAS Nagar (Mohali) (hereinafter referred to as the 'Tribunal') vide award dated 22.11.2017.

4. Since recovery rights have been given to respondent No.3- Insurance Company, notice was issued to respondent No.2 vide order dated

03.05.2019. As per the Office report, respondent No.2 stands duly served. However, no one has put in appearance on his behalf despite service. Even before the Tribunal, respondents No.1 and 2 were proceeded against *ex parte*. Accordingly, respondent No.2 is proceeded against *ex parte*.

5. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹7,000
2.	Annual income	[₹7,000 x 12] = ₹84,000
3.	Deduction @ 50%	[₹84,000 - ₹42,000] = ₹42,000
4.	Future prospects 40%	[₹42,000 + ₹16,800] = ₹58,800
5.	Multiplier of 18	[₹58,800 x 18] = ₹10,58,400
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
	Total Compensation	₹10,88,400
	Interest	@ 6% per annum in case the payment was made within two months @ 9% per annum in case the payment was made after two months.

7. Learned counsel for the claimant-appellants would contend that though the claimant-appellants do not challenge the deduction, the addition made towards future prospects and the multiplier applied by the Tribunal, however, the income of the deceased has wrongly been assessed as ₹7,000 per month which ought to have been as per the minimum wages applicable to a

skilled person at the time of the accident i.e. ₹9,135 per month since the deceased had already passed matriculation as is evident from his matriculation certificate (Ex.P5). It is further the contention that the amount awarded under the conventional heads i.e. loss of estate and funeral expenses 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]** and that no amount has been awarded under the head loss of consortium.

8. *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.

9. Heard.

10. In the present case the Tribunal has assessed the income of the deceased as ₹7,000 per month, which was arrived at on the basis of assumptions and presumptions. No yardstick seems to have been applied by the Tribunal. The deceased had already passed matriculation as is evident from his matriculation certificate (Ex.P5). There is no evidence to the contrary. In view thereof, the income of the deceased ought to have been assessed as per the minimum wages applicable to a skilled person at the time of the accident i.e. ₹9,135 per month. Since there is no challenge to the

deduction, the addition made towards future prospects and the multiplier applied by the Tribunal, the same are maintained.

11. Further, the amount awarded under the conventional heads is on the lower side and no amount has been awarded under the head 'loss of consortium'. 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. The claimant-appellants, being the parents of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

12. Accordingly, the reworked compensation to which the claimant-appellants are entitled to is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,135
2.	Annual income	[₹9,135 x 12] = ₹1,09,620
3.	Deduction @ 50%	[₹1,09,620 - ₹54,810] = ₹54,810
4.	Future prospects 40%	[₹54,810 + ₹21,924] = ₹76,734
5.	Multiplier of 18	[₹76,734 x 18] = ₹13,81,212
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
	Loss of consortium (i) Filial	[₹48,000 x 2] = ₹96,000
	Total Compensation	₹15,13,212

13. 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-appellants as directed by the Tribunal. Recovery rights granted by the Tribunal to respondent No.3-Insurance Company are kept intact.

14. 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-appellants 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-appellants 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.

15. 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.

25.09.2025
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No