



276

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-1853-2020 (O&M)

Date of Decision : 26.08.2025

SANJEETA AND ORS

.... Appellants

VERSUS

DEEPAK YADAV AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Dheeraj Chawla, Advocate for the appellants.

Mr. Gulshan Nandwani, Advocate for respondents No.1 and 2.

Mr. Rahul Bansal, Advocate for

Mr. D.R. Bansal, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

CM-5504-CII-2020

1. This is an application for condonation of delay of 20 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 20 days in filing the main appeal is condoned.

FAO-1853-2020

3. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as the 'Tribunal') vide award dated 01.11.2019.

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	₹9,000
2.	Annual income	[₹9,000 x 12] = ₹1,08,000
3.	Deduction 1/4 th	[₹1,08,000 - ₹27,000] = ₹81,000
4.	Future prospects 25%	[₹81,000 + ₹20,250] = ₹1,01,250
5.	Multiplier of '14'	[₹1,01,250 x 14] = ₹14,17,500
6.	Loss of consortium	₹40,000
7.	Loss of love and affection	₹15,000
8.	Transportation and funeral expenses	₹15,000
	Total Compensation	₹14,87,500
	Interest	9% per annum

6. Learned counsel for the claimant-appellants would contend that the claimant-appellants do not dispute the income of ₹9,000 as assessed, the deduction of 1/4th as made, the addition of 25% as made towards future prospects and the multiplier of 14 as applied by the Tribunal. Learned counsel would, however, contend that the compensation awarded under the head 'loss of consortium' and under the conventional heads is not in consonance with the law laid down by the Hon'ble Supreme Court in the case 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 respondents have 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 of ₹9,000 as assessed, the deduction of 1/4th as made, the addition of 25% as made towards future prospects and the multiplier of 14 as applied by the Tribunal, the same are maintained. However, the amount awarded under the conventional heads as also under the head loss of consortium is on the lower side. 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 widow and the children 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	₹9,000
2	Annual income	[₹9,000 x 12] = ₹1,08,000
3	Deduction 1/4 th	[₹1,08,000 - ₹27,000] = ₹81,000
4	Future prospects 25%	[₹81,000 + ₹20,250] = ₹1,01,250
5	Multiplier of '14'	[₹1,01,250 x 14] = ₹14,17,500
6	Loss of consortium (i) Parental (children) (ii) Spousal	[₹48,000 x 3] = ₹1,44,000 ₹48,000 Total = ₹1,92,000
7	Loss of estate	₹18,000
8	Funeral expenses	₹18,000
	Total Compensation	₹16,45,500

11. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 9% 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.

12. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 AIR (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 share of the minor claimant-appellants shall be kept in a Fixed Deposit (FDR) fetching maximum rate of interest. 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.

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.

26.08.2025

Aman Jain

NOTE:

Whether speaking/non-speaking: Speaking

Whether reportable: Yes/No

(ALKA SARIN)

JUDGE