



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

**FAO-5874-2016 (O&M)**

**Date of Decision : 29.04.2025**

Jaswinder Kaur & Anr ... Appellant(s)

Versus

Gulzar Singh & Ors ... Respondent(s)

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

Present : Mr. Mayank Mathur, Advocate for the appellants.

Mr. Suvir Dewan, 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, Patiala (hereinafter referred to as 'Tribunal'), vide the impugned award dated 04.02.2016 in a motor vehicle accident which occurred on 24.04.2015.

2. Since the factum of the accident is not in dispute, the facts are not being adverted to 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	₹10,000/-
2	Annual income	[₹10,000 x 12] = ₹1,20,000/-
3	Deduction 1/3 <sup>rd</sup>	[₹1,20,000 – 40,000] = ₹80,000/-
4	Multiplier of 13	[₹80,000 x 13] = ₹10,40,000/-
5	Consortium to widow	₹1,00,000/-
6	Funeral expenses	₹25,000/-
	<b>Total Compensation</b>	<b>₹11,65,000/-</b>
	<b>Interest</b>	<b>7.5% per annum</b>

4. Learned counsel for the claimant-appellants would contend that he does not challenge the income of the deceased, deduction and multiplier as applied by the Tribunal. However, it has been contended that no addition has been made towards future prospects which ought to have been 10% as the deceased was 50 years of age at the time of the accident. It is further the contention of the learned counsel that the amounts awarded under the conventional heads as well as under the head 'loss of consortium' are also not in accordance with 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]**.

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, no appeal has been preferred by the Insurance Company. Since there is no challenge to the income of the deceased, deduction and multiplier as applied by the Tribunal, hence, the same are, accordingly, maintained. However, no addition has been made by the Tribunal towards future prospects. The deceased was 50 years of age at the time of the accident and hence as per the law laid down by the Hon'ble

Supreme Court in the case of **Pranay Sethi** (supra), 10% addition is made towards future prospects. Further, 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 (wife and son 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 :

<b>Sr. No.</b>	<b>Heads</b>	<b>Compensation Awarded</b>
1	Monthly Income	₹10,000/-
2	Annual Income	₹1,20,000/- [₹10,000 x 12]
3	Deduction 1/3 <sup>rd</sup>	₹80,000/- [₹1,20,000 – 40,000]
4	Future Prospects - 10%	₹88,000/- [₹80,000 + 8,000]
5	Multiplier - 13	₹11,44,000/- [₹88,000 x 13]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental (ii) Spousal	₹48,000/- ₹48,000/- (Total ₹96,000/-)
	<b>Total Compensation</b>	<b>₹12,76,000/-</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.

9. 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.

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

29.04.2025  
Yogesh Sharma

( ALKA SARIN )  
JUDGE

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