

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****FAO-2628-2022 (O&M)****Date of Decision : 08.09.2025**

Nirmala Devi and Another

... Appellants

Versus

Sandeep Kumar @ Chela and Others

... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sudhir Rana, Advocate for the appellants.

Mr. Nigam K. Bhardwaj, Advocate for respondent No.4.

ALKA SARIN, J. (Oral)**CM-7322-CII-2022**

1. For the reasons stated in the application, the same is allowed. The delay of 229 days in filing the present appeal is condoned. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

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2. 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 01.05.2019 on account of death of Rohtash (hereinafter referred to as the 'deceased').

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	₹9,000/-
2	Annual income	[₹9,000 x 12] = ₹1,08,000/-
3	Future prospects - 10%	[₹1,08,000 + 10,800] = ₹1,18,800/-
4	Deduction - 1/4 th	[₹1,18,800 – 29,700] = ₹89,100/-
5	Multiplier - 11	[₹89,100 x 11] = ₹9,80,100/-
6	Loss of love and affection	₹15,000/-
7	Transportation and Funeral expenses	₹15,000/-
8	Loss of consortium	₹40,000/-
9	Medical expenses	₹3,63,000/-
	Total Compensation	₹14,13,100/-
	Interest	7.5% per annum

5. Learned counsel for the claimant-appellants states that though he does not challenge the deduction, multiplier and the future prospects as assessed by the Tribunal however he has contended that the income of the deceased ought to have been assessed as that of a skilled worker since the deceased as noticed by the Tribunal itself was Mechanical Diploma holder from ITI Gurugram and a driver by profession. It is further the contention that compensation awarded under the conventional heads as well as under the head 'loss of consortium' is not in accordance with the law as laid down by the Hon'ble Supreme Court in the cases of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**, **N. Jayasree & Ors. vs. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]** and **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]**.

6. *Per contra*, learned counsel for respondent No.4-Insurance Company has contended that the Tribunal has rightly assessed the monthly income of the deceased as ₹9,000/- and that sufficient amount of compensation has already been granted and there is no scope of any further enhancement.

7. Heard.

8. Admittedly, the Insurance Company has not filed any appeal in the present case. Since there is no challenge to the deduction, multiplier and future prospects as assessed by the Tribunal, the same are maintained. As per certificate (Ex.P-69), the deceased had passed Mechanical Diploma from ITI Gurugram and at the time of accident he was a professional driver. Keeping in view the vocation and qualification of the deceased, his income ought to have been assessed as that of a highly skilled worker, which at the relevant point of time were ₹9,695/- per month. Hence, income of the deceased is assessed as ₹9,695/- per month. Further, the amount awarded under the conventional heads as well as under the head 'loss of consortium' is not in accordance with law inasmuch as no amount has been awarded towards loss of estate and an amount of ₹15,000/- has been awarded towards funeral expenses and further an amount of ₹15,000/- has been awarded towards loss of love and affection and ₹40,000/- towards 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 as also to ₹48,000/- (₹40,000+20% increase) each towards loss of consortium. The amount of ₹3,63,000/-

awarded by the Tribunal towards medical expenses is maintained.

9. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹9,695/-
2	Annual Income	₹1,16,340/- [₹9,695 x 12]
3	Deduction - 1/4th	₹87,255/- [₹1,16,340 - ₹29,085]
4	Future Prospects - 10%	₹95,981/- [₹87,255 + ₹8,726]
5	Multiplier - 11	₹10,55,791/- [₹95,981 x 11]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 2] (ii) Filial [₹48,000/- x 2] (iii) Spousal	₹96,000/- ₹96,000/- ₹48,000/- (Total ₹2,40,000/-)
9	Medical expenses awarded by the Tribunal	₹3,63,000/-
	Total compensation	₹16,94,791/-

10. 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. However, the claimant-appellants shall not be entitled to interest for the period of delay in filing the present appeal.

11. 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 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 claimant-appellants

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.

12. 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.

08.09.2025
jk

(ALKA SARIN)
JUDGE

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