



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

114

FAO-3840-2023 (O&M)

Date of Decision : 07.05.2025

KRISHAN LAL (DECEASED) THR LRS AND ORS Appellants

VERSUS

ISHWAR CHAND AND ORS Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. G.C. Shahpuri, Advocate for the appellants.

Mr. Punit Jain, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

CM-12658-CII-2023

1. This is an application for condonation of delay of 72 days in refiling the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 72 days in refiling the main appeal is condoned.

CM-12660-CII-2023

3. This is an application for condonation of delay of 60 days in filing the main appeal.

4. For the reasons stated in the application, the same is allowed and the delay of 60 days in filing the main appeal is condoned. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the main appeal.

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5. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (hereinafter referred to as the 'Tribunal') vide award dated 07.09.2022.

6. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹8,542
2.	Annual income	[₹8,542 x 12] = ₹1,02,504
3.	Deduction 1/2 (@ 50%)	[₹1,02,504 - ₹51,252] = ₹51,252
4.	Future prospects @ 40%	[₹51,252 + ₹20,501] = ₹71,753
5.	Multiplier of '18'	[₹71,753 x 18] = ₹12,91,554
6.	Funeral expenses	₹16,500
7.	Loss of estate	₹16,500
8.	Loss of consortium (filial)	₹88,000 (₹44,000 x 2)
	Total Compensation	₹14,12,554 (rounded off to ₹14,12,550)
	Interest	@ 7.5% per annum

8. Learned counsel for the claimant-appellants would contend that the claimant-appellants do not dispute the income of ₹8,542 as assessed, deduction of 1/2 (@ 50%) as made, addition @ 40% as made towards future prospects and multiplier of '18' as applied by the Tribunal. Learned counsel would, however, contend that the amounts awarded under the head 'loss of consortium' and under the conventional heads are on the lower side. In

support of his contentions the learned counsel for the claimant-appellants 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].

9. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that sufficient amount had already been awarded as compensation in the present case and that there is no scope of any enhancement.

10. Heard.

11. In the present case since there is no challenge to the income of ₹8,542 as assessed, deduction of 1/2 (@ 50%) as made, addition @ 40% as made towards future prospects and multiplier of '18' as applied by the Tribunal, the same are maintained. However, the amounts awarded under the conventional heads as well as under the head 'loss of consortium' are on the lower side. 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. Vide the impugned award only an amount of ₹88,000 had been granted under the head 'loss of consortium' to the mother and the father of the deceased. Claimant-

appellants No.1(ii) to 1(vi), being brothers and sister, were not granted any compensation under this head. Claimant-appellants No.1(ii) to 1(vi), being brothers and sister of the deceased, would certainly be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

12. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹8,542
2.	Annual income	[₹8,542 x 12] = ₹1,02,504
3.	Deduction 1/2 (@ 50%)	[₹1,02,504 - ₹51,252] = ₹51,252
4.	Future prospects @ 40%	[₹51,252 + ₹20,501] = ₹71,753
5.	Multiplier of '18'	[₹71,753 x 18] = ₹12,91,554
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Filial	₹2,88,000 (₹48,000 x 6)
	Total Compensation	₹16,15,554

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. However, it is once again made clear that the claimant-appellants shall not be entitled to any interest for the period of delay in filing the main appeal.

14. 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 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.

07.05.2025
Aman Jain

(ALKA SARIN)
JUDGE

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