

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****288****FAO-1511-2019 (O&M)****Date of Decision : 27.05.2025**

Battan and Others

....Appellants

VERSUS

Bachu Singh and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jasmer Singh Rozera, Advocate for the appellants.

Mr. Vinod Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)**CM-4677-CII-2019**

1. For the reasons stated in the application, the same is allowed.

The delay of 29 days in filing the present appeal is condoned.

FAO-1511-2019 (O&M)

2. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Palwal (hereinafter referred to as the 'Tribunal') vide award dated 11.10.2018 on account of death of Shish Pal (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	Deduction – 1/4 th	[₹1,08,000 – 27,000] = ₹81,000/-
4	Compensation after applying the multiplier of 13	[₹81,000 x 13] = ₹10,53,000/-
5	Funeral expenses	₹15,000/-
6	Loss of estate	₹15,000/-
7	Loss of consortium	₹40,000/-
8	Medical Bills	₹18,358/-
	Total compensation	₹11,41,358/- (rounded off to ₹11,41,400/-)
	Interest	7% per annum

5. Learned counsel for the claimant-appellants would contend that though he does not challenge the income of the deceased and the deduction as assessed by the Tribunal, however, the multiplier has wrongly been applied by the Tribunal as ‘13’ inasmuch as the deceased was 45 years of age, which was duly proved by the postmortem report (Ex.P9), and hence a multiplier of ‘14’ would be applicable in the present case. Learned counsel for the claimant-appellants would further contend that the Tribunal has also not made any addition towards loss of future prospects which ought to have been 25%. It has further been contended 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. In support of his contentions, he has relied upon the judgments of the Hon’ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC**

121], **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].

6. *Per contra* learned counsel for respondent No.3-Insurance Company would contend that sufficient amount has already been awarded and there is no scope of any enhancement. It is further the contention that the age of the deceased as claimed by the appellants was 47 years and hence the multiplier has rightly been applied.

7. Heard.

8. In the present case no appeal has been filed by respondent No.3-Insurance Company. Since there is no challenge to the income of the deceased and the deduction as assessed by the Tribunal, the same are accordingly maintained. As per the postmortem report, the deceased was 45 years of age at the time of accident even though the age claimed was 47. In the absence of any other evidence the age is taken as per the postmortem report. As per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (*supra*), a multiplier of '14' would be applicable. Further, the Tribunal has not made any addition towards loss of future prospects. Keeping in view the age of the deceased, an addition of 25% would have to be made towards loss of future prospects as per the law laid down by Hon'ble Supreme Court in the case of **Pranay Sethi** (*supra*). Further, the amounts awarded under the conventional heads as well as under the head

'loss of consortium' are also not in accordance with the law and 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 Rs.18,000/- (Rs.15,000+20% increase) towards loss of estate and Rs.18,000/- (Rs.15,000+20% increase) towards funeral expenses. The claimant-appellants would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of consortium. The amount of ₹18,358/- awarded by the Tribunal towards medical bills is maintained.

9. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹9,000/-
2	Annual Income	₹1,08,000/- [₹9,000 x 12]
3	Deduction - 1/4 th	₹81,000/- [₹1,08,000 – 27,000]
4	Future Prospects - 25%	₹1,01,250/- [₹81,000 + 20,250]
5	Multiplier - 14	₹14,17,500/- [₹1,01,250 x 14]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 4] (ii) Filial [₹48,000/- x 1] (iii) Spousal's	₹1,92,000/- ₹48,000/- ₹48,000/- (Total ₹2,88,000/-)
9.	Medical bills as awarded by the Tribunal	₹18,358/-
	Total Compensation	₹17,59,858/-

10. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7% per annum from the date of filing of the claim petition till the realization of the entire amount.

11. 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.

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.

27.05.2025

jk

**(ALKA SARIN)
JUDGE**

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