

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

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FAO-4468-2017 (O&M)**Date of Decision : 23.05.2025**

Nisha and Others

....Appellants

VERSUS

Tejpal Singh and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Saachi Mahajan, Advocate Legal Aid counsel
Mr. Navmohit Singh, Advocate for the appellants.

Service of respondent Nos.1 and 2 dispensed with
vide order dated 19.09.2019.

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

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as the 'Tribunal') vide award dated 09.01.2017 on account of death of Sudhir Kumar (hereinafter referred to as the 'deceased').

2. 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.

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

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹10,000/-
2	Deduction – 1/3 rd	[₹10,000 – 3,333] = ₹6,666/-
3	Annual income	[₹6,666 x 12] = ₹79,992/-
4	Compensation after applying the multiplier of 18	[₹79,992 x 18] = ₹14,39,856/-
5	Amount towards loss of future prospects @ 50%	₹7,19,712/-
6	Funeral expenses	₹25,000/-
7	Loss of consortium to widow	₹1,00,000/-
8	Loss of love and affection	₹1,00,000/-
	Total compensation	₹ 23,84,568/-
	Interest	9% per annum

4. Learned counsel for the claimant-appellants would contend that though she does not challenge the multiplier as assessed by the Tribunal, however, the income assessed by the Tribunal as ₹10,000/- per month is on the lower side. Learned counsel for the claimant-appellants has contended that the deceased was working as an Electrician in Ambey Laboratories Pvt. Ltd. and was earning an amount of ₹12,000/- per month, which was duly proved on record by Rajbir Singh Yadav, HR Manager, Ambey Laboratories Pvt. Ltd. while appearing as PW-2. Learned counsel for the appellants would further contend that the Tribunal has applied a deduction of 1/3rd. There are four dependents of the deceased and hence a deduction of 1/4th ought to have been applied. 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 her contentions, she 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* 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.

6. Heard.

7. In the present case, no appeal has been filed by respondent No.3-Insurance Company. Since there is no challenge to the multiplier as assessed by the Tribunal, the same is accordingly maintained. The Tribunal has applied a deduction of 1/3rd. There are four dependents of the deceased and hence, as per the law laid down by Hon'ble Supreme Court in case of **Pranay Sethi** (*supra*), a deduction of 1/4th would be applicable. Further, the Tribunal has assessed the income of the deceased as ₹10,000/- per month. To prove the income of the deceased, the claimant-appellants have examined Rajbir Singh Yadav, HR Manager, Ambey Laboratories Pvt. Ltd. as PW-2, who testified that the deceased was working in their company as an Electrician and was getting a gross salary of ₹12,000/- per month. He also proved on record the salary certificate of the deceased as Ex.P1 and attested copy of the salary sheet of January 2016 as Ex.P2. Respondent No.3-Insurance Company has not led any evidence to the contrary. Hence, this Court deems it appropriate to assess the income of the deceased as ₹12,000/- per month. Further, the Tribunal has made an addition of 50% towards loss of future prospects. The deceased in the present case was 24 years of age at the time of accident, and hence, an addition of 40% would be applicable

towards loss of future prospects as per the law laid down by Hon'ble Supreme Court in case of **Pranay Sethi** (*supra*). Further, the amount awarded under the conventional heads is also not in accordance with the law inasmuch as only an amount of ₹25,000/- has been awarded towards funeral expenses and no amount has been awarded towards loss of estate. Further the amount awarded under the head 'loss of consortium' is also not in accordance with the law. 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.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹12,000/-
2	Annual Income	₹1,44,000/- [₹12,000 x 12]
3	Deduction - 1/4 th	₹1,08,000/- [₹1,44,000 – 36,000]
4	Future Prospects - 40%	₹1,51,200/- [₹1,08,000 + 43,200]
5	Multiplier - 18	₹27,21,600/- [₹1,51,200 x 18]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 1] (ii) Filial [₹48,000/- x 2] (iii) Spousal's	₹48,000/- ₹96,000/- ₹48,000/- (Total ₹1,92,000/-)
	Total Compensation	₹29,49,600/-

9. 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.

10. 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 and the share of the minor claimants, if any, shall be kept in fixed deposits by the Bank concerned. 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.

11. 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.

23.05.2025

jk

(**ALKA SARIN**)
JUDGE

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