

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****FAO-2282-2023 (O&M)****Date of Decision : 19.09.2025**

Bimla and Others

... Appellants

Versus

Iqlas Khan @ Iklas and Others

... Respondents

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

Present : Mr. Sukhdev Singh, Advocate for  
Mr. Ashish Gupta, Advocate for the appellants.

Mr. G.S. Sarao, Advocate for  
Mr. Vishal Aggarwal, Advocate for respondent No.3.

**ALKA SARIN, J. (Oral)****CM-8313-CII-2023**

1. For the reasons stated in the application, the same is allowed. The delay of 58 days in filing the present appeal is condoned.

**FAO-2282-2023 (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, Nuh (hereinafter referred to as the 'Tribunal') vide award dated 06.10.2022 on account of death of Shiv Ram (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. In the present case, the Tribunal had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹8,000/-
2	Annual income	[₹8,000 x 12] = ₹96,000/-
3	Future prospects - 40%	[₹96,000 + 38,400] = ₹1,34,400/-
4	Deduction – 1/4 <sup>th</sup>	[₹1,34,400 - 33,600] = ₹1,00,800/-
5	Multiplier of 15	[₹1,00,800 x 15] = ₹15,12,000
6	Funeral expenses	₹15,000/-
7	Loss of estate	₹15,000/-
8	Loss of consortium	₹40,000/-
	<b>Total Compensation</b>	<b>₹15,82,000/-</b>
	<b>Interest</b>	<b>7% per annum</b>

5. Learned counsel for the claimant-appellants states that he does not challenge the income, deduction, future prospects and multiplier as applied by the Tribunal, however, he has contended that the compensation awarded under the conventional heads as well as under the head 'loss of consortium' is not in accordance with the law laid down by the Hon'ble Supreme Court in 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]**.

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

7. Heard.

8. Admittedly, no appeal has been preferred by the Insurance

Company. In the present case, since no challenge has been laid by the learned counsel for the claimant-appellants to the income, deduction, future prospects and the multiplier as applied by the Tribunal, the same are maintained accordingly. However, the compensation awarded under the conventional heads and under the head 'loss of consortium' is 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). 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 as also to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr.No.	Heads	Compensation Awarded
1	Monthly Income	₹8,000/-
2	Annual Income	₹96,000/- [₹8,000 x 12]
3	Deduction - 1/4th	₹72,000/- [₹96,000 - ₹24,000]
4	Future Prospects - 40%	₹1,00,800/- [₹72,000 + ₹28,800]
5	Multiplier - 15	₹15,12,000/- [₹1,00,800 x 15]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 4] (ii) Spousal's	₹1,92,000/- ₹48,000/- (Total ₹2,40,000/-)
	<b>Total Compensation</b>	<b>₹17,88,000/-</b>

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.** [AIR 2025 SC 1713 = 2025 SCC

**OnLine SC 567]**, 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.

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.

19.09.2025  
jk

( ALKA SARIN )  
JUDGE

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