



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

**FAO-4662-2014 (O&M)  
Date of Decision: 14.10.2025**

KULWANT SINGH & ANR .... Appellants

VERSUS

SUKHWANT SINGH & ORS .... Respondents

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

Present : Mr. S.K. Arora, Advocate  
for the appellants.

Mr. Surinder Garg, Advocate  
for respondents No.1 and 2.

Mr. Pradeep Kumar, Advocate  
for respondent No.3.

**ALKA SARIN, J. (ORAL)**

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Ferozepur (hereinafter referred to as the 'Tribunal') vide award dated 07.10.2013.
2. 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.
3. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹2,640
2.	Annual income	[₹2,640 x 12] = ₹31,680
3.	Deduction @ 1/3 <sup>rd</sup>	[₹31,680 - ₹10,560] = ₹21,120
4.	Multiplier of 5	[₹21,120 x 5] = ₹1,05,600
5.	Funeral expenses	₹25,000
	<b>Total Compensation</b>	<b>₹1,30,600</b>
	<b>Interest</b>	<b>@ 6% per annum</b>

4. Learned counsel for the claimant-appellants would contend that the income of the deceased has wrongly been assessed as ₹2,640 per month, which ought to have been assessed as per the minimum wages applicable to an unskilled person at the time of the accident i.e. ₹4,260 per month. It is further the contention of the learned counsel that though the claimant-appellants do not challenge the deduction made and the multiplier as applied by the Tribunal, however, the amount awarded under the conventional heads is on the lower side and no amount has been awarded under the head 'loss of consortium'. 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]**.

5. *Per contra*, the learned counsel for respondents have vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

6. Heard.

7. In the present case the Tribunal has assessed the income of the deceased as ₹2,640 per month, which was arrived at on the basis of assumptions and presumptions. No yardstick seems to have been applied by the Tribunal. The minimum wages applicable to an unskilled person at the time of the accident were ₹4,260 per month. Accordingly, the income of the deceased is assessed as ₹4,260 per month. Since there is no challenge to the deduction made and the multiplier as applied by the Tribunal, the same are maintained. The argument of the learned counsel for the claimant-appellants that the amount awarded under the conventional heads is on the lower side and that no amount has been awarded under the head 'loss of consortium' deserves to be accepted. 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. The claimant-appellants, being the children of the deceased, would also be entitled to ₹48,000 (₹40,000 + 20% increase) each towards loss of consortium.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹4,260
2.	Annual income	[₹4,260 x 12] = ₹51,120
3.	Deduction @ 1/3 <sup>rd</sup>	[₹51,120 - ₹17,040] = ₹34,080
4.	Multiplier of 5	[₹34,080 x 5] = ₹1,70,400
5.	Funeral expenses	₹18,000
6.	Loss of estate	₹18,000
7.	Loss of consortium (i) Parental	[₹48000 x 2] = ₹96,000
	<b>Total Compensation</b>	<b>₹3,02,400</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. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal.

10. 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 respondent No.3-Insurance Company in the bank account of the claimant-appellants within a period of six weeks from today. The particulars of the bank account 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.

11. 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.

**14.10.2025**  
*Aman Jain*

**(ALKA SARIN)**  
**JUDGE**

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