



FAO-4100-2019

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

(228)

FAO-4100-2019

Date of Decision:-16.09.2025

Smt. Sulekha Devi and Others

.....Appellants

Versus

Manoj Kumar Prajapati and Others

.....Respondents

CORAM: HON'BLE MR. JUSTICE AMARINDER SINGH GREWAL

Present: Mr. Rohit Rana, Advocate, for
Ms. Priyanka Dawar, Advocate,
for the appellants.

Mr. Gaurav Gupta, Advocate,
for respondent No.3-Insurance Company. (through VC)

AMARINDER SINGH GREWAL, J. (Oral)

1. The present appeal has been preferred by the appellants-claimants seeking enhancement of the compensation amount of Rs.17,63,200/- as awarded by the learned Motor Accident Claims Tribunal, Faridabad, vide award dated 06.02.2019, on account of death of Roshan Lal i.e. husband of appellant No.1 and father/son of appellants No.2 to 4, in a motor vehicular accident occurred on 04.04.2017.

2. At the very outset, learned counsel for the appellants submits that the amount of compensation awarded by the Tribunal is inadequate. He has placed on record a chart of calculation, contending that the same does not reflect the correct formula as laid down in various judicial pronouncements of the Hon'ble Supreme Court of India.

3. As per the said chart, the appellants are entitled to a total sum



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of Rs.1,58,000/- under the heads of consortium, last rites, and loss of estate, whereas the Tribunal had awarded only Rs.70,000/-. The relevant portion of the award dated 06.02.2019 is reproduced as under:

“The petitioners have claimed compensation on account of death of Sh. Roshan Lal in motor vehicular accident. Thus, in view of the latest judgment of Hon’ble Supreme Court titled as National Insurance Co. Ltd. vs. Pranay Sethi and ors. 2017 ACJ 2700 the petitioners are entitled to compensation (Rs.8300/- + (50% future prospectus of Rs.8300/-) Rs.4150 = Rs.12450/- less 1/3rd towards personal expenses (as discussed above, there were three dependents of the deceased) = (12450-4150 = 8300) 8300 × 12 × 17 = Rs.16,93,200/-, The petitioner no. 1 shall also be entitled to Rs.40,000/- on account of loss of consortium. The petitioners are also entitled to Rs.15,000/- on account of funeral expenses and Rs.15,000/- on account of loss of estate. Thus the total amount comes to Rs.17,63,200/- (Seventeen Lacs sixty three thousand and two hundred only).”

4. Learned counsel appearing for respondent No.3 (Insurance Company) fairly endorsed the submissions made on behalf of the appellants and agreed that the appellants are entitled to consortium & filial consortium of a total sum of Rs.1,92,000/- (Rs.48,000/- each to all four claimants), and to enhancement of the amounts under the heads of last rites and loss of estate to Rs.18,000/- each, in place of Rs.15,000/-.

5. In view of the above, the present appeal is partly allowed. The



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impugned award is modified to the extent that the appellants shall be entitled to an additional sum of Rs.1,58,000/- {Rs.1,92,000 – Rs.40,000 = Rs.1,52,000/- under the head of consortium & filial consortium and Rs.6,000/- (Rs.18,000 – Rs.15,000 = Rs.3,000/- each) under the head of last rites & loss of estate} over and above the compensation awarded by the Tribunal. All other terms and conditions of the award, including the rate of interest, mode of payment, and apportionment, shall remain unaltered.

6. Pending application(s), if any, shall also stand disposed of.

**(AMARINDER SINGH GREWAL)
JUDGE**

16.09.2025

Shubham

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|-----------------------------|--------|
| Whether speaking/reasoned:- | Yes/No |
| Whether Reportable:- | Yes/No |