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

FAO-5189-2023 (O&M)

Date of Decision : 09.09.2025

GURMIT KAUR AND ORS

.... Appellants

VERSUS

PARWINDER SINGH AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Chetan Goyal, Advocate for the appellants.

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

ALKA SARIN, J. (ORAL)

CM-17646-CII-2023

1. This is an application for condonation of delay of 31 days in refiling the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 31 days in refiling the main appeal is condoned.

CM-17647-CII-2023

3. This is an application for condonation of delay of 345 days in filing the main appeal.

4. For the reasons stated in the application, the same is allowed and the delay of 345 days in filing the main appeal is condoned. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the main appeal.

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5. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Patiala (hereinafter referred to as the 'Tribunal') vide award dated 10.08.2021.

6. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹20,427
2.	Deduction 1/4 th	[₹20,427 - ₹5,107] = ₹15,320
3.	Annual income	[₹15,320 x 12] = ₹1,83,840
4.	Multiplier of 11	[₹1,83,840 x 11] = ₹20,22,240
5.	Funeral expenses	₹16,500
6.	Loss of estate	₹16,500
7.	Loss of consortium	₹44,000
	Total Compensation	₹20,99,240 (rounded off to ₹21,00,000)
	Interest	@ 7.5% per annum in case the payment was not made within a period of two months

8. Learned counsel for the claimant-appellants would contend that though the claimant-appellants do not challenge the income as assessed, the deduction made, and the multiplier applied by the Tribunal, however, no addition has been made towards future prospects which ought to have been 15%. Learned counsel would further contend that the amounts awarded under

the conventional heads i.e. funeral expenses and loss of estate and under the head loss of consortium are not in accordance with the law laid down by 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]**. It is further the contention of the learned counsel that no interest has been awarded and it is only if the amount was not paid within a period of 2 months that the interest @ 7.5% would be paid.

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

10. Heard.

11. In the present case, since there is no challenge to the income as assessed, the deduction made and the multiplier applied by the Tribunal, the same are accordingly maintained. No addition has been made towards future prospectus which ought to have been 15% as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra). Further, the amounts awarded under the conventional heads and under the head loss of consortium are not in consonance with the law laid down by the Hon'ble Supreme Court. 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 widow and the children of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) towards loss of consortium.

12. No interest has been awarded by the Tribunal and the interest @ 7.5% was to be paid only if the amount was not deposited within a period of 2 months. This view of the Tribunal cannot be sustained. As per Section 171 of the Motor Vehicles Act, 1988, interest is to be awarded from the date of filing of the claim petition till its realization. In view thereof, interest @ 7.5% is awarded from the date of filing of the claim petition till the realization of the amount.

13. Accordingly, the reworked compensation to which the claimant-appellants are entitled to is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹20,427
2.	Deduction 1/4 th	[₹20,427 - ₹5,107] = ₹15,320
3.	Future prospects @15%	[₹15,320 + ₹2,298] = ₹17,618
4.	Annual income	[₹17,618 x 12] = ₹2,11,416
5.	Multiplier of 11	[₹2,11,416 x 11] = ₹23,25,576
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Spousal (ii) Parental	₹48,000 [₹48,000 x 4] = ₹1,92,000 Total = ₹2,40,000
	Total Compensation	₹26,01,576

14. 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. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the main appeal.

15. 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(s) of the claimant-appellants within a period of six weeks from today. The particulars of the bank account(s) 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.

16. 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.

09.09.2025
Aman Jain

(ALKA SARIN)
JUDGE

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