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

**FAO-4854-2008 (O&M)**

**Date of Decision : 10.07.2025**

Bimla Devi & Anr ... Appellant(s)

Versus

Chaman Lal & Ors ... Respondent(s)

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

Present : Ms. Devyani Sharma, Advocate (*Amicus Curiae*) and  
Mr. Lalit Attri, Advocate for the appellants.

Mr. Vinod Chaudhri, 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, Ambala (hereinafter referred to as 'Tribunal'), vide the impugned award dated 21.04.2008 in a motor vehicle accident which occurred on 03.05.2007.

2. Since the factum of the accident is not in dispute, the facts are not being adverted to 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	₹2,400/-
2	Deduction 1/3 <sup>rd</sup>	[₹2,400 - 800] = ₹1,600/-
3	Annual income	[₹1,600 x 12] = ₹19,200/-
4	Multiplier of 5	[₹19,200 x 5] = ₹96,000/-

5	Loss of consortium	₹2,000/-
6	Funeral expenses	₹2,000/-
	<b>Total Compensation</b>	<b>₹1,00,000/-</b>
	<b>Interest</b>	<b>7.5% per annum</b>

4. Learned *amicus curiae* for the claimant-appellants would contend that she does not challenge the income of the deceased as well as deduction as applied by the Tribunal. However, she states that the Tribunal has not made any addition towards future prospects which ought to have been 10% as the deceased was 60 years of age as per the postmortem report (Ex.P3) and that a multiplier of '5' has wrongly been applied which ought to have been '9'. It is further the contention that the amount awarded under the conventional heads as well as under the head 'loss of consortium' is also not in accordance with the law laid down by the Hon'ble Supreme Court. 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]**, **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]**, **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 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. It is further the contention that future prospects cannot be added as the deceased was over 60 years of age and also the multiplier should be 7.

6. I have heard the learned counsel for the parties.

7. In the present case no appeal has been filed by the Insurance Company and since there is no challenge to the income of the deceased as well as deduction as applied by the Tribunal, hence, the same are maintained. The Tribunal has wrongly applied a multiplier of '5' and has also not made any addition towards future prospects. In the present case, as per the postmortem report (Ex.P3), the deceased was 60 years of age. Though learned counsel for the respondent has contended that the deceased was over 60 years of age, however, the learned counsel has not been able to point out to any document which would reveal the age of the deceased. In the absence of any evidence this Court has to rely on the postmortem report (Ex P-3). Hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), multiplier '9' would be applicable and as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 10% addition is made towards future prospects. Further, the amount 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) and hence, the claimants would be entitled to ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses and the claimants (mother and son of the deceased) would also be entitled 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	<b>Monthly Income</b>	₹2,400/-
2	<b>Annual Income</b>	₹28,800/- [₹2,400 x 12]
3	<b>Deduction 1/3<sup>rd</sup></b>	₹19,200/- [₹28,800 – 9,600]
4	<b>Future Prospects - 10%</b>	₹21,120/- [₹19,200 + 1,920]
5	<b>Multiplier - 9</b>	₹1,90,080/- [₹21,120 x 9]
6	<b>Loss of estate</b>	₹18,000/-
7	<b>Funeral expenses</b>	₹18,000/-
8	<b>Loss of consortium</b> (i) Parental [₹48,000/- x 1] (ii) Spousal's	₹48,000/- ₹48,000/- (Total ₹96,000/-)
	<b>Total Compensation</b>	<b>₹3,22,080/-</b>

8. 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.

9. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [2025 INSC 361 : 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 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.

10. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal stands modified accordingly. Pending applications, if any, also stand disposed off.

10.07.2025  
Yogesh Sharma

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

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