

217 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

2025:PHHC:127472



FAO-1183-2001 (O&M)
DATE OF DECISION : 15.09.2025

PALO AND OTHERS

... APPELLANTS

V/S

BIKRAM SINGH AND OTHERS

... RESPONDENTS

CORAM: HON'BLE MR. JUSTICE PARMOD GOYAL

Present: Mr. Jagdish Manchanda, Advocate for the appellants.

Ms. Mansi Verma, Advocate for
Mr. Rajneesh Malhotra, Advocate for
respondent No.4-Insurance Company.

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PARMOD GOYAL, J. (ORAL)

Present appeal has been preferred by claimants-appellants who are aggrieved by the insufficient compensation awarded vide order dated 29.07.2000 passed by the learned Motor Accident Claims Tribunal, Ambala (hereinafter referred as 'Tribunal'). It is the case of appellants that learned Tribunal has failed to take into consideration future prospects as well as failed to pay compensation on account of loss of estate, funeral expenses and loss of consortium.

2. Learned counsel for the appellant has prayed that loss of estate, funeral expenses and consortium be paid in accordance with judgement of Hon'ble Apex Court in *National Insurance Company Ltd vs. Pranay Sethi and others*, (2017) 16 SCC 680 and *Magma General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram and others* 2018 (4) RCR (Civil) 333.

3. Learned counsel for the Insurance Company, however, had opposed the enhancement on the ground that matter pertains to accident dated 27.01.1997. Therefore, judgement of Supreme Court in year 2017 regarding award of future prospects would not be applicable. Learned counsel has also vehemently opposed the compensation for loss of estate, funeral expenses as well as consortium which has been awarded in year 2017 in case titled as *National Insurance Company Ltd vs. Pranay Sethi and others, (2017) 16 SCC 680*.

4. Motor Vehicles Act, 1988 is a beneficial legislature. As far as claim of claimants with regards to future prospects, loss of estate, funeral expenses and consortium is concerned, I find merit in the same, even though at the time of passing of award, the legal interpretation was different. No doubt, in the year 2017 the Hon'ble Supreme Court had held that the deceased is entitled to addition towards his income on account of future prospects. However, the said principle is applicable to all cases even prior to year 2017 specially where appeal against the award is pending before the Courts as appeal is continuation of claim petition.

5. Accordingly, I find merit in the contention of learned counsel for the appellants-claimants that they are entitled to future prospects, loss of estate and funeral expenses as well as loss of consortium. Claim petition has been preferred by wife, daughter and two sons and mother of deceased. All of them are entitled to compensation for loss of consortium under the heads spousal, parental as well as filial consortium.

6. Admittedly, it was the claim of appellants-claimants that deceased was 36/37 years old. PW3 brother of deceased had appeared and

had disclosed his age to be 36/37 years. However, in post-mortem report, Ex.P2 it was mentioned that deceased was 40 years of age and as such, multiplier of 16 was applied by learned Tribunal. Since no specific age was determined in the post-mortem report, I find that it would be appropriate to take the deceased to be aged between 36 and less than 40 years.

7. In view of this, claimants shall be entitled to addition of 40% towards future prospects. Multiplier has been wrongly applied by the learned Tribunal to be 16 whereas it ought to have been 15 in case of age group between 36 to 40 in which deceased was covered. Accordingly, multiplier of 15 in the present case is required to be taken. Learned tribunal has made deduction of 1/3rd towards personal expenses. However, keeping in view the number of dependants as 5, the deduction towards personal expenses should be 1/4th as per *Smt. Sarla Verma & Others Vs. Delhi Transport Corporation & Another, 2009 (3) RCR (Civil) 77*. Accordingly, appellants-claimants should be entitled to Rs.5,67,000/- amount on account of loss of dependency. Admittedly, no amount has been granted for loss of estate, funeral expenses and loss of consortium. Claimants are entitled to compensation under these heads also.

8. However, I do not find any merit in the contentions raised on behalf of the appellants-claimants that compensation under these heads has to be paid as per compensation vide judgment of Hon'ble Supreme Court in *Pranay Sethi and Magma (supra)*. It is worth noticing that accident had taken place in the year 1997. Accordingly, compensation is required to be paid keeping in view the price index and expenses being incurred in the year 1997. Accordingly, compensation of Rs.5,000/- is awarded towards funeral

expenses, Rs.5,000/- is awarded towards loss of estate and Rs. 15,000/- is awarded towards consortium to each of the claimants. The right of parties freeze on the date of accident and for this reason interest on compensation from the date of filing till realisation is permitted to the claimants. Therefore, award of above compensation is just compensation. Accordingly, appellants are entitled to enhanced compensation of Rs. 2,53,000/- over and above the compensation of Rs.3,86,000/- awarded by the learned Tribunal as under:-

Income of deceased	Rs. 3,000/- per month	Rs. 3,000/- per month
Addition towards future prospects	40 % (Rs.1,200/- + Rs.3,000/-)	Rs.4,200/-
Deduction on account of personal expenses of deceased	1/4th (Rs.4,200/- - Rs.1050/-)	Rs.3,150/-
Selection of multiplier	15	15
Loss of dependency	Rs.3,150/-x12x15	Rs.5,67,000/-
Funeral expenses		Rs.5,000/-
Loss of estate		Rs.5,000/
Loss of consortium Filial consortium Spousal consortium Parental consortium	Rs.15,000/- Rs.15,000/- Rs.15,000/- x 2 = Rs.30,000/-	Rs.60,000/
Treatment expenses	Rs.2,000/- (awarded by Tribunal)	Rs.2,000/-
Total Compensation awarded to claimants in appeal		Rs.6,39,000/-
Compensation awarded by Tribunal	Rs.3,86,000/-	

Enhanced amount of compensation	(Rs. 6,39,000/- Awarded in appeal) – Rs. 3,86,000/- (Awarded by Tribunal)	Rs.2,53,000/-
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9. Let the same be paid by respondent No.4-Insurance Company to the claimants-appellants along with interest @ 7.5% p.a. from the date of filing of the claim petition till its realisation.

10. Appeal is, accordingly, allowed in above terms. Pending miscellaneous application(s), if any, shall also stand disposed of.

15.09.2025

Janki

(PARMOD GOYAL)
JUDGE

Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No