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

**FAO-576-2024 (O&M)**

**Date of Decision : 19.09.2025**

MEENAKSHI AND ORS

.... Appellants

VERSUS

MANISH AND ORS

.... Respondents

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

Present : Mr. Arun K. Gupta, Advocate for the appellants.

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

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

**CM-2142-CII-2024**

1. This is an application for condonation of delay of 274 days in filing the appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 274 days in filing the appeal is condoned. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

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3. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Panchkula (hereinafter referred to as the 'Tribunal') vide award dated 13.01.2023.

4. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹34,516
2.	Annual income	[₹34,516 x 12] = ₹4,14,192
3.	Deduction 1/4 <sup>th</sup>	[₹4,14,192 - ₹1,03,548] = ₹3,10,644
4.	Future prospects @ 40%	[₹3,10,644 + ₹1,24,258] = ₹4,34,902
5.	Multiplier of 15	[₹4,34,902 x 15] = ₹65,23,530
6.	Funeral expenses	₹16,500
7.	Loss of estate	₹16,500
8.	Loss of consortium (i) Filial (ii) Spousal (iii) Parental	₹44,000 ₹44,000 [₹44,000 x 2] = ₹88,000 Total = ₹1,76,000
	<b>Total Compensation</b>	<b>₹67,32,530</b>
	<b>Interest</b>	<b>@6% per annum</b>

6. Learned counsel for the claimant-appellants would contend that the deceased in the present case was 36 years of age at the time of the accident i.e. on 23.06.2021 and was working as a Clerk in the Secondary Education Department. Learned counsel would further contend that though the income has rightly been assessed by the Tribunal and so is the deduction made, and the multiplier applied, however, keeping in view the fact that the deceased was a permanent Government employee, 50% ought to have been added towards future prospects. It is still further the contention of the learned counsel 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]**.

7. *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. Learned counsel has further pointed out that the compensation which was received by the widow of the deceased under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employee Rules, 2006 has not been deducted, however, liberty has been granted to adjust the said amount.

8. Heard.

9. In the present case, since there is no challenge to the income as assessed, the deduction made and the multiplier as applied by the Tribunal, the same are accordingly maintained. Learned counsel for the claimant-appellants has argued that an addition of 50% ought to have been made toward future prospects keeping in view the fact that the deceased was a permanent Government employee. As per the law laid down in the case of **Pranay Sethi** (*supra*), an addition of 50% would have to be made for a Government employee keeping in view the fact that the age of the deceased was 36 years

at the time of the accident. Same is accordingly modified and an addition of 50% is made towards future prospects.

10. 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, the children and the mother of the deceased, would also be entitled to ₹48,000 each (₹40,000 + 20% increase) under the heads spousal, parental and filial consortium.

11. Accordingly, the reworked compensation to which the appellant is entitled is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹34,516
2.	Annual income	[₹34,516 x 12] = ₹4,14,192
3.	Deduction 1/4 <sup>th</sup>	[₹4,14,192 - ₹1,03,548] = ₹3,10,644
4.	Future prospects @ 50%	[₹3,10,644 + ₹1,55,322] = ₹4,65,966
5.	Multiplier of 15	[₹4,65,966 x 15] = ₹69,89,490
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Spousal (ii) Parental (iii) Filial	₹48,000 [₹48,000 x 2] = ₹96,000 ₹48,000 Total = ₹1,92,000
	<b>Total Compensation</b>	<b>₹72,17,490</b>

12. 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 appeal.

13. It is further made clear that the Tribunal had given liberty to respondent No.3 to adjust the amount which would be received by the widow of the deceased under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employee Rules, 2006. The said condition is maintained and the respondent No.3 would be at liberty to adjust such amount. The claimant-appellants would file an affidavit before the Executing Court concerned detailing the amount which has been received by them under the Haryana Compassionate Assistance to the Dependents of Deceased Government Employee Rules, 2006.

14. 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 share of the minor claimant-appellant(s) shall be kept in an FDR with a nationalized bank fetching maximum rate of interest. 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.

15. 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.

**19.09.2025**  
*Aman Jain*

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

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