



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

**FAO-2891-2024 (O&M)
Date of Decision : 14.10.2025**

RAMINA AND ORS Appellants

VERSUS

RAJU KASHYAP AND ORS Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Digvijay, Advocate for
Mr. Ashish Gupta, Advocate
for the appellants.

Mr. V.K. Garg, Advocate for respondent No.2.
(joined through hybrid mode)

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, Nuh (hereinafter referred to as the 'Tribunal') vide award dated 02.02.2024.
2. 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.
3. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,500
2.	Annual income	[₹9,500 x 12] = ₹1,14,000
3.	Deduction @ 1/5 th	[₹1,14,000 - ₹22,800] = ₹91,200
4.	Future prospects @30%	[₹91,200 + ₹27,360] = ₹1,18,560
5.	Multiplier of 14	[₹1,18,560 x 14] = ₹16,59,840
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
8.	Loss of consortium	₹40,000
	Total Compensation	₹17,29,840
	Interest	@ 7% per annum

4. Learned counsel for the claimant-appellants would contend that though the claimant-appellants do not challenge the income as assessed, the deduction and the addition made towards future prospects, however, multiplier of '14' has wrongly been applied whereas it ought to have been '15' keeping in view the age of the deceased being 40 years 9 months and 21 days at the time of the accident, as has also been noticed by the Tribunal in the impugned award. It is further the contention of the learned counsel that the amounts awarded under the conventional heads and under the head 'loss of consortium' are on the lower side. In support of his contentions the learned counsel for the claimant-appellants has relied upon the judgments of the Hon'ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr.** [(2009) 6 SCC 121], **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].

5. *Per contra*, the learned counsel for respondent No.2-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.

6. Heard.

7. In the present case, since there is no challenge to the income as assessed, the deduction and the addition made towards future prospects by the Tribunal, the same are maintained. The deceased in the present case was yet to complete 41 years of age as he was 40 years 9 months and 21 days at the time of the accident. As per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), multiplier of '15' would be applicable in the present case keeping in view the age of the deceased. The argument of the learned counsel for the claimant-appellants that the amounts awarded under the conventional heads and under the head 'loss of consortium' are on the lower side deserves to be accepted. 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 and proforma respondents No.3 and 4, being the widow, the children and the parents of the deceased, would also be entitled to ₹48,000 (₹40,000 + 20% increase) each towards loss of consortium.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,500
2.	Annual income	[₹9,500 x 12] = ₹1,14,000
3.	Deduction @ 1/5 th	[₹1,14,000 - ₹22,800] = ₹91,200
4.	Future prospects @30%	[₹91,200 + ₹27,360] = ₹1,18,560
5.	Multiplier of 15	[₹1,18,560 x 15] = ₹17,78,400
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 4] = ₹1,92,000 [₹48,000 x 2] = ₹96,000 Total = ₹3,36,000
	Total Compensation	₹21,50,400

9. 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 and proforma respondents No.3 and 4 as directed by the Tribunal.

10. 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.2 in the bank account of the claimant-appellants and proforma respondents No.3 and 4 within a period of six weeks from today. The share of the minor claimant-appellants shall be kept in an FDR with a nationalized bank fetching maximum rate of interest. The particulars of the bank account along with the requisite documents in support thereof shall be furnished by the claimant-appellants and proforma respondents No.3 and 4 to respondent No.2 within a period of two weeks from today and needful shall be done by respondent No.2

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.

11. 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.

14.10.2025

Aman Jain

NOTE:

Whether speaking/non-speaking: Speaking

Whether reportable: Yes/No

(ALKA SARIN)

JUDGE