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

FAO-5558-2023 (O&M)

Date of Decision : 29.08.2025

ASHOK KUMAR @ ASHOK DHAMA

.... Appellant

VERSUS

VINOD KUMAR AND ORS

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Yashveer Kharb, Advocate for the appellant.

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

ALKA SARIN, J. (ORAL)

CM-18857-CII-2023

1. This is an application for condonation of delay of 408 days in filing the main appeal.

2. For the reasons stated in the application, the same is allowed and the delay of 408 days in filing the main appeal is condoned. However, the claimant-appellant shall not be entitled to any interest for the period of delay of 408 days in filing the main appeal.

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3. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Panipat (hereinafter referred to as the 'Tribunal') vide award dated 17.05.2022.

4. Notice of motion to respondent No.3-Insurance Company, who is the only contesting respondent.

5. Mr. Sachin Gupta, Advocate appears and accepts notice on behalf of the respondent No.3 and has filed his memorandum of appearance which is taken on record.

6. Learned counsel for the parties are *ad idem* that the matter may be decided today itself as the only question involved in the present case is qua the compensation awarded under the conventional heads and under the head 'loss of consortium'. With the consent of learned counsel for the parties, the main appeal is taken up for final disposal.

7. 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.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,025
2.	Annual income	[₹9,025 x 12] = ₹1,08,300
3.	Deduction 1/2	[₹1,08,300 - ₹54,150] = ₹54,150
4.	Future prospects 40%	[₹54,150 + ₹21,660] = ₹75,810
5.	Multiplier of '18'	[₹75,810 x 18] = ₹13,64,580
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
8.	Loss of consortium	₹40,000
	Total Compensation	₹14,34,580
	Interest	@ 9% per annum

9. Learned counsel for the claimant-appellant would contend that the deceased in the present case 24 years of age at the time of accident and the Tribunal had assessed his income as ₹9,025 which the claimant-appellant does not challenge. Learned counsel would further contend that the claimant-appellant also does not challenge the deduction to the extent of 50%, the addition of 40% made towards future prospects and the multiplier of 18 as applied by the Tribunal. Learned counsel, however, contends that the amounts awarded under the conventional heads i.e. loss of estate and funeral expenses and under the head loss of consortium are not in consonance 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]**.

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

11. Heard.

12. In the present case, admittedly, no appeal has been preferred by respondent No.3-Insurance Company. Since there is no challenge to the income of the deceased as assessed, the deduction of 50%, addition of 40% made towards future prospects and the multiplier of 18 as applied by the Tribunal, the same are maintained. The amounts awarded under the

conventional heads i.e. loss of estate and funeral expenses are not in consonance with 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). Accordingly, the claimant-appellant would be entitled to ₹18,000 (₹15,000 + 20% increase) towards loss of estate and ₹18,000 (₹15,000 + 20% increase) towards funeral expenses. As per the law laid down by the Hon'ble Supreme Court in the case **Magma General Insurance Company Limited** (supra), the claimant-appellant would be entitled to compensation under the head loss of consortium to the tune of ₹48,000.

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

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹9,025
2.	Annual income	[₹9,025 x 12] = ₹1,08,300
3.	Deduction 1/2	[₹1,08,300 - ₹54,150] = ₹54,150
4.	Future prospects 40%	[₹54,150 + ₹21,660] = ₹75,810
5.	Multiplier of '18'	[₹75,810 x 18] = ₹13,64,580
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium	₹48,000
	Total Compensation	₹14,48,580

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. However, the claimant-appellant shall not be entitled to any interest for the period of delay of 408 days 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 of the claimant-appellant within a period of six weeks from today. The particulars of the bank account along with the requisite documents in support thereof shall be furnished by the claimant-appellant 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.

29.08.2025

Aman Jain

(ALKA SARIN)

JUDGE

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