



265-2

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

FAO-6280-2018 (O&M)

Date of Decision : 28.05.2025

Santosh Kumari & Anr ... Appellant(s)

Versus

Deepak @ Mirchu & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Manoj Kaushik, Advocate for the appellants.

Mr. V.K. Garg, Advocate for respondent No.3.

Service of respondent Nos.1, 2, 4 and 5 dispensed with
vide order dated 30.08.2019.

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, Faridabad (hereinafter referred to as 'Tribunal') vide the impugned award dated 04.05.2018 in a motor vehicle accident which occurred on 10.10.2016.

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	Annual Income	₹2,64,140/-
2	Future prospects @ 10%	₹2,90,554/- [₹2,64,140 + 26,414]
3	Deduction 1/3 rd	₹1,93,702 /- [₹2,90,554 – 96,852]

4	Multiplier of 9	[₹1,93,702 x 9] = ₹17,43,318/-
5	Funeral expenses	₹15,000/-
6	Loss of estate	₹15,000/-
7	Loss of consortium	₹40,000/-
8	Total Compensation	₹18,13,000/-
	Interest	6% per annum

4. Learned counsel for the claimant-appellants has contended that though he does not challenge the income of the deceased, deduction, future prospects and the multiplier as applied by the Tribunal, however, the amounts awarded under the conventional heads and under the head 'loss of consortium' are not as per 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]**.

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 further scope of any enhancement.

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

7. In the present case, no appeal has been filed by respondent No.3-Insurance Company. Since there is no challenge laid by the learned counsel for the claimant-appellants to the income of the deceased, deduction, future prospects and the multiplier as applied by the Tribunal, hence, the same are accordingly maintained. However, the amounts awarded under the

conventional heads and under the head 'loss of consortium' are 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 being widow, mother and children of the deceased (appellants and proforma respondent Nos.4 and 5 herein) 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	Annual Income	₹2,64,140/-
2	Future prospects @ 10%	₹2,90,554/- [₹2,64,140 + 26,414]
3	Deduction 1/3 rd	₹1,93,702 /- [₹2,90,554 – 96,852]
4	Multiplier of 9	[₹96,852 x 9] = ₹17,43,318/-
5	Loss of estate	₹18,000/-
6	Funeral expenses	₹18,000/-
7	Loss of consortium (i) Parental [₹48,000/- x 2] (ii) Spousal's (iii) Filial	₹96,000/- ₹48,000/- ₹48,000/- (Total ₹1,92,000/-)
	Total Compensation	₹19,71,318/-

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. It is made clear that the claimant-proforma respondent Nos.4 and 5 shall be entitled to only the amount of consortium.

9. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh vs. Honey Goyal & Ors. [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. The particulars of the bank account(s) alongwith the requisite documents(s) 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 accordingly the impugned award passed by the Tribunal stands modified to the above extent. Pending applications, if any, also stand disposed off.

28.05.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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