2026:PHHC:013955

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IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-6889-2016 (O&M)
Date of Decision : 30.01.2026

Amarjit Kaur & Anr ... Appellant(s)

Versus

Mohinder Kaur & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Ritam Aggarwal, Advocate for the appellants.

Mr. Charanjit Singh, Advocate for respondent No.3.

Mr. Sachin Gupta, Advocate for respondent Nos.4 and 5.

ALKA SARIN, J. (Oral)

1. As per the Mediator's report, mediation was a non-starter.

2. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Ludhiana (hereinafter referred to as 'Tribunal') vide the impugned award dated 12.02.2016 in a motor vehicle accident which occurred on 05.09.2013.

3. Since the factum of the accident is not in dispute, the facts are not being adverted to for the sake of brevity.

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

Sr.No.	Heads	Compensation Awarded
1	Monthly Income	₹15,000/-
2	Deduction - 50%	₹7,500/- [₹15,000 - ₹7,500]

3	Annual Income	₹90,000/- [₹7,500 x 12]
4	Multiplier - 16	₹14,40,000/- [₹90,000 x 16]
5	Funeral expenses	₹25,000/-
6	Loss of love and affection	₹1,00,000/-
	Total Compensation	**₹15,65,000/-**
	Interest	**7.5%**

5. Learned counsel for the claimant-appellants would contend that she does not challenge the income, deduction and multiplier as applied by the Tribunal. She, however, states that no addition has been made towards future prospects which ought to have been 40% inasmuch as the deceased was 31 years of age at the time of the accident. It is further the contention of the learned counsel that the compensation awarded under the conventional heads as well as under the head 'loss of consortium' is not in accordance with the law laid down by the Hon'ble Supreme Court. In support of her contentions, she has relied upon the judgments of 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]**.

6. *Per contra*, the learned counsel for the respondent-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.

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

8. Admittedly, no appeal has been preferred by the Insurance Company. In the present case, since no challenge has been laid by the learned

counsel for the claimant-appellants to the income, deduction and multiplier as applied by the Tribunal, the same are maintained accordingly. The Tribunal has not made any addition towards future prospects. The deceased was admittedly 31 years of age, hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 40% addition is made towards future prospects. Further, the compensation awarded under the conventional heads and under the head 'loss of consortium' is 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), 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 (parents of the deceased) 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	Monthly Income	₹15,000/-
2	Annual Income	₹1,80,000/- [₹15,000 x 12]
3	Deduction - 50%	₹90,000/- [₹1,80,000 - ₹90,000]
4	Future Prospects - 40%	₹1,26,000/- [₹90,000 + ₹36,000]
5	Multiplier - 16	₹20,16,000/- [₹1,26,000 x 16]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (ii) Filial [₹48,000/- x 2]	₹96,000/-
	Total Compensation	**₹21,48,000/-**

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.

10. In view of the decision by the Hon'ble Supreme Court in **Parminder Singh Vs. Honey Goyal & Ors. [AIR 2025 SC 1713 = 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 and the apportionment thereof shall be as per the direction of the Tribunal. 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.

11. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal stands modified accordingly. Pending applications, if any, also stand disposed off.

30.01.2026
Yogesh Sharma

(ALKA SARIN)
JUDGE

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