



2026:PHHC:076965



2026:PHHC:076965

FAO-5958-2024

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

FAO-5958-2024 (O&M)
Decided on : 23.04.2026

Nirmala Devi @ Nirmala & ors.

....Appellants

Versus

Ankit Kumar & ors.

....Respondents

CORAM: HON'BLE MR. JUSTICE PANKAJ JAIN

Present :- None for the appellants.

Mr. H.P.S.Kaushal , Advocate
for the respondent-Ins. Co.
(Through video conferencing)

PANKAJ JAIN, J. (ORAL)

CM-22783-CII-2024

This is an application seeking condonation of delay of 64 days in filing the present appeal.

For the reasons recorded in the application, this Court is satisfied that the applicants-appellants have shown sufficient cause to condone the delay in filing the appeal.

Application is allowed. Delay of 64 days in filing the appeal is condoned.

FAO-5958-2024

1 The claimants are in appeal seeking enhancement of compensation awarded in a claim petition filed under Section 166 of the Motor



2026:PHHC:076965

2026:PHHC:076965

FAO-5958-2024



Vehicles Act, 1988, on account of death of Mahender Singh, who died in a motor vehicular accident dated 04.02.2022 at the age of 50 years.

2 Tribunal awarded compensation as under :-

<i>Sr.No.</i>	<i>Heads of claim</i>	<i>Calculation</i>
1.	<i>Income</i>	<i>Rs.11,000/- per month</i>
2.	<i>Add 25% for the loss of future income</i>	<i>Rs.2,750/-</i>
3.	<i>Total</i>	<i>Rs.13,750/-</i>
4.	<i>Less 1/4 (deducted for personal expenses of deceased)</i>	<i>Rs.3,437/-</i>
5.	<i>Net</i>	<i>Rs.10,313/-</i>
6.	<i>Multiplier as per the age of deceased</i>	<i>13</i>
7.	<i>Loss of dependency (10313 x 12 x 13)</i>	<i>Rs.16,08,828/-</i>
8.	<i>Loss of filial consortium</i>	<i>Rs.40,000/-</i>
9.	<i>Loss of estate</i>	<i>Rs.15,000/-</i>
10.	<i>Funeral expenses and transportation expenses</i>	<i>Rs.15,000/-</i>
	<i>Total</i>	<i>Rs.16,78,828/-</i>

3 The only modification permissible under the law is under conventional heads. In terms of ratio of law laid down by Supreme Court in the case of ***Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., 2018(4) RCR (Civil) 333***, each of the claimants is entitled for an amount of Rs.48,400/- for loss of consortium. Accordingly, the compensation is reworked as under :-

<i>Sr.No.</i>	<i>Heads of claim</i>	<i>Calculation</i>
1.	<i>Income</i>	<i>Rs.11,000/- per month</i>
2.	<i>Add 25% for the loss of future income</i>	<i>Rs.2,750/-</i>
3.	<i>Total</i>	<i>Rs.13,750/-</i>
4.	<i>Less 1/4 (deducted for personal expenses of deceased)</i>	<i>Rs.3,437/-</i>
5.	<i>Net</i>	<i>Rs.10,313/-</i>
6.	<i>Multiplier as per the age of deceased</i>	<i>13</i>
7.	<i>Loss of dependency (10313 x 12 x 13)</i>	<i>Rs.16,08,828/-</i>
8.	<i>Loss of filial consortium</i>	<i>Rs.48,400/- x 3</i>



2026:PHHC:076965



2026:PHHC:076965

FAO-5958-2024

9.	<i>Loss of estate</i>	<i>Rs.18,000/-</i>
10.	<i>Funeral expenses and transportation expenses</i>	<i>Rs.18,000/-</i>

4 With the aforesaid modification in the impugned award, the appeal is disposed off.

5 Needless to say, the appellants shall be entitled to interest @7% per annum on the enhanced amount from date of filing of the claim petition till the date of actual realization. Any amount already paid to the claimants shall be set off.

23.04.2026*Pooja Sharma-I***(PANKAJ JAIN)
JUDGE**

Whether speaking/reasoned:
Whether reportable:

Yes/No
Yes/No