

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

**FAO No.1956 of 2012 (O&M)**

**Date of Order: 02.11.2018**

**Jasbir Kaur and another**

**..Appellants**

**Versus**

**Hardeep Singh and others**

**..Respondents**

**FAO No.1957 of 2012 (O&M)**

**Sunita Rani and another**

**..Appellants**

**Versus**

**Hardeep Singh and others**

**..Respondents**

**CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL**

Present: Mr. Lakhwinder Singh Mann, Advocate,  
for the appellants.

Mr. Lalit Garg, Advocate,  
for the Insurance Company.

**ANIL KSHETARPAL, J(Oral)**

By this order, two appeals arising from the same accident, filed by the parents-claimants seeking enhancement on account of death of their young sons shall stand disposed of.

The only question which arises for consideration is “what is the just compensation payable to the appellants-parents in both the appeals”.

Learned Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as 'the Tribunal') while accepting the income of the deceased-boys at Rs.4000/- per month, applied 50% cut for self expenses and thus worked out dependency @ Rs.2000/- per month. Deceased Deepak Kumar died at the age of 21, whereas deceased Kuldeep Singh died at the age of 24. The learned Tribunal has applied multiplier of 14, which

is inadequate looking at the young age of both the deceased and also as per Sarla Verma's judgment.

Still further, no amount has been awarded towards enhancement in the income, commonly known as future prospects. On account of funeral expenses, Rs.4000/- only has been awarded.

Learned counsel for the appellant apart from relying upon the judgment passed by the Constitution Bench of the Hon'ble Supreme Court in National Insurance Company Limited vs. Pranay Sethi and others, JT 2017(10) SC 450 has submitted that in a subsequent judgment while deciding Civil Appeal No.9581 of 2018 (Magma General Insurance Co. Ltd. V Nanu Ram alias Chuhru Ram and others) has held that parents are also entitled to filial consortium @ Rs.40,000/-.

As per the judgment passed by the Constitution Bench on account of funeral expenses, amount payable is Rs.15,000/-, whereas for loss of estate, amount payable is Rs.15,000/-.

In view of the aforesaid, the amount is re-worked as under:-

| <i>Heads</i>              | <i>Compensation awarded by<br/>MACT</i> | <i>Compensation awarded by<br/>High Court</i>    |
|---------------------------|-----------------------------------------|--------------------------------------------------|
| Monthly Income assessed   | Rs.4000/- per month                     | Rs. 4000/-per month                              |
| Add Future Prospects 40%  | NIL                                     | Rs.1600/-                                        |
| Total Income per month    | --                                      | Rs.5600/-                                        |
| Deduction (-50%)          | Rs.2000/-                               | Rs.2800/-                                        |
| Annual Income             | Rs.2000x12=24000/-                      | Rs.2800x12=33600/-                               |
| Multiplier =14            | Rs.24000x14=3,36,000/-                  | Rs.33600x14=6,04,800/-                           |
| <b>Conventional Heads</b> |                                         |                                                  |
| -Loss of estate           | NIL                                     | Rs.15000/-                                       |
| -Funeral Expenses         | Rs.4000/-                               | Rs.15000/-                                       |
| -Consortium               | NIL                                     | NIL                                              |
| -Filial consortium        | NIL                                     | Rs.80,000/- (40,000/- each to mother and father) |
| Total compensation        | Rs.3,40,000/-                           | Rs.7,14,800/-                                    |

| <i>Heads</i>                               | <i>Compensation awarded by<br/>MACT</i> | <i>Compensation awarded by<br/>High Court</i> |
|--------------------------------------------|-----------------------------------------|-----------------------------------------------|
| Compensation Awarded by the High Court     | : Rs.7,14,800/-                         |                                               |
| (-)Compensation Awarded by the <b>MACT</b> | : Rs.3,40,000/-                         |                                               |
| <b>Enhanced Compensation</b>               | : Rs.3,74,800/-                         |                                               |

This compensation is in each appeal separately.

In view of the above, both the appeals are allowed.

The enhanced amount i.e. Rs.3,74,800/- shall carry interest @  
7.5% from the date of filing of the claim petition till its realization.

November 02, 2018  
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(ANIL KSHETARPAL)  
JUDGE

Whether speaking/reasoned : Yes/No  
Whether reportable : Yes/No