

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

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Date of Decision : 06.12.2018

1. FAO-5464-2016 (O&M)

Ram Rattan Sharma

..... Appellant

Versus

Gurmukh Singh and others

..... Respondents

2. FAO-5465-2016 (O&M)

Ram Rattan Sharma

..... Appellant

Versus

Gurmukh Singh and others

..... Respondents

**CORAM : HON'BLE MR.JUSTICE AJAY TEWARI**

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Present : Mr. Parvinder Singh, Advocate  
for the appellant.

Ms. Amarjit Kaur Khurana, DAG, Punjab  
for respondents No.1 and 2.

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**AJAY TEWARI, J. (Oral)**

This order shall dispose of above mentioned two appeals.

These are two appeals arisen out of two claim petitions dated 10.03.2016 passed by the Motor Accident Claims Tribunal, Shaheed Bhagat Singh Nagar which were filed for the death of a mother and her son in a motor vehicular accident which took place on 18.07.2015.

Since very limited issue of quantum of compensation has been raised further detailed reference to the facts would not be required.

As regards the death of Raj Rani, counsel for the claimant-appellant has argued that the Tribunal has erred in taking the contribution of Rs.4,000/- p.m. whereas the Hon'ble Supreme Court in ***Lata Wadhwa and others v. State of Bihar and others reported as 2001(4) RCR(Civil) 673*** (where the accident had taken place in 1989) had evaluated the contribution of a house wife at Rs.3,000/-per month. In the circumstances, the contribution cannot be less than Rs.11,000/- p.m. in the present case in view of the judgment of this Court passed in ***FAO No.4966 of 2016*** titled as ***Lalit Kumar and another Vs. Kulwinder Singh and others*** decided on 26.10.2018. Deputy Advocate General is not in a position to cite any contrary judgment. In the circumstances, the income is taken at Rs.11,000/- p.m. However, in view of the judgment passed by this Court in ***FAO No.1492 of 2018, titled as Ram Mehar and others Vs. Bhupinder and others, decided on 29.08.2018*** there can neither be addition of future prospects since its a case of notional income nor can there be deduction.

Deputy Advocate General further points out that a sum of Rs.1,00,000/- has been awarded towards loss of consortium to the appellant and that could not be more than Rs.40,000/- in view of the judgment passed in ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017(4) RCR (Civil)1009***. Counsel for the claimant-appellant has accepted this but states that for loss of estate and funeral

expenses only Rs.25,000/- has been awarded whereas in the same judgment it was awarded at Rs.30,000/-. Therefore, I deduct a sum of Rs.60,000/- from consortium and add Rs.5,000/- for the same.

In the case of death of Aman Sharma, counsel for the claimant-appellant has argued that the tribunal erred in granting lump-sum compensation of Rs.5.00 lakhs in FAO No.5465 of 2016 and has relied upon a judgment of this Court passed in ***Manjinder Kaur & anr. Vs. Jaspreet Singh Grewal and another, 2015 (85) RCR (Civil) 873*** wherein a similar case income had been taken at Rs.10,000/-. Deputy Advocate General is not in a position to deny this. However, since it is notional income neither any future prospects can be granted nor any deduction can be made.

Counsel for the claimant-appellant states that in view of the judgment of the Supreme Court in the matter of ***Sarla Verma and others v. Delhi Transport Corporation and another, 2009 ACJ 1298*** the multiplier of 18 had to be applied. Deputy Advocate General is not in a position to deny this also. It is held that multiplier of 18 has to be applied.

Further counsel for the claimant-appellant has argued that as per the judgment passed in ***Sureshchandra Bagmal Doshi & anr. Vs. The New India Assurance Company Limited & ors, 2018(2) RCR (Civil) 841 and Magma General Insurance Company Ltd., Vs. Nanu Ram @ Chuhru Ram & ors., Civil Appeal No.9581 of 2018 arising out of SLP (Civil) No.3192 of 2018 decided on 18.09.2018***, consortium/filial consortium had to be granted. I award a sum of Rs.40,000/- to

appellant for loss of consortium/filial consortium and a sum of Rs.30,000/- for loss of estate and funeral expenses.

Counsel for the claimant-appellant states that interest @9% per annum has been awarded in these cases whereas in ***Magma General Insurance Company Ltd. supra***, the Supreme Court had awarded interest @12% per annum. In the circumstances, in both cases the enhanced compensation would carry interest @12% per annum from the date of claim petition till realization.

The appeals stand disposed of in the above terms.

Since the main case has been decided, the pending civil miscellaneous application, if any, also stands disposed of.

**06.12.2018**  
*pooja sharma-I*

**( AJAY TEWARI )**  
**JUDGE**

Whether speaking/reasoned - Yes/No

Whether reportable - Yes/No