

217.

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

**FAO-8241-2014**

Date of decision:01.05.2018.

PARMILA

... Appellant

Versus

RANBIR SINGH & ORS

.... Respondents

**CORAM: HON'BLE MR. JUSTICE HARI PAL VERMA**

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Present: Mr. Devender Arya, Advocate,  
for the appellant.

Mr. M.B. Jain, Advocate, and  
Mr. Punit Jain, Advocate,  
for respondent No.3.

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**HARI PAL VERMA, J.(Oral)**

Appellant (wife of the deceased-Jai Parkash) has filed the present appeal seeking enhancement of compensation over and above the amount awarded by the Motor Accident Claims Tribunal, Narnaul ( for short, "the Tribunal") vide award dated 01.07.2014.

In a claim petition filed under Section 166 of the Motor Vehicles Act by the claimants (parents of the deceased) on account of death of Jai Parkash in a motor vehicular accident which took place on 07.07.2013, the Tribunal has awarded an amount of ₹6,88,000/- along with interest @ 9% per annum from the date of filing of petition till its realization. The Tribunal has considered the age of the deceased as 26 years and assessed his income as ₹4,800/- per month and after deducting 1/3<sup>rd</sup> from the said amount

towards personal expenses, has awarded the aforesaid amount of compensation.

Learned counsel for the appellant has argued that while passing the impugned award, the Tribunal has not considered the addition towards future prospects and has not awarded the compensation under the conventional heads in terms of judgment of the Hon'ble Apex Court in **National Insurance Company Limited Versus Pranay Sethi and others- 2017(4) RCR (Civil) 1009**. He has further argued that on the relevant date, the minimum wages of an unskilled worker was ₹5341.51, but the Tribunal has considered the income of the deceased as ₹4,800/-.

On the other hand, learned counsel for respondent No.3- Insurance Company has argued that the Tribunal has already awarded adequate compensation and there is no scope for further enhancement.

I have heard learned counsel for the parties.

The accident and liability are not in dispute. What is in dispute is the quantum of compensation awardable to the appellant. There is no dispute that the deceased-Jai Parkash was about 26 years of age and on the relevant date of accident i.e. 07.07.2013, the minimum wages notified by the State of Haryana were ₹5341.51, which is rounded off to ₹5,500/-. This Court finds that the compensation admissible to the appellant is required to be enhanced. Similarly in view of **Pranay Sethi's case** (supra), the claimants are entitled for future prospects @ 40%. So far as 1/3<sup>rd</sup> deduction of the income of deceased is concerned, the same does not require any change. Accordingly, this Court finds that the appellant-claimant is entitled to the following amount of compensation:-

| Heads                                                                             |                   | Calculation |
|-----------------------------------------------------------------------------------|-------------------|-------------|
| Monthly Income                                                                    |                   | ₹5,500      |
| Future prospects (%age)                                                           | 40                | ₹2,200      |
| Total monthly income (monthly income + Future prospects)                          |                   | ₹7,700      |
| Annual income (total monthly income x 12)                                         |                   | ₹92,400     |
| Deductions (towards personal expenses of deceased)                                | 1/3 <sup>rd</sup> |             |
| Annual dependency (annual income-deduction towards personal expenses of deceased) |                   | ₹61,600     |
| Multiplier                                                                        | 17                |             |
| Total loss of dependency (Annual dependency x multiplier)                         |                   | ₹10,47,200  |
| Conventional heads:                                                               |                   |             |
| Loss of Estate                                                                    |                   | ₹15,000     |
| Funeral expenses                                                                  |                   | ₹15,000     |
| Loss of consortium                                                                |                   | ₹40,000     |
| Total amount of compensation                                                      |                   | ₹11,17,200  |
| Amount already awarded                                                            |                   | ₹6,88,000   |
| Total enhancement                                                                 |                   | ₹4,29,200   |

In view of above, the appellant and claimants shall be entitled to an amount of ₹4,29,200/- over and above the amount already awarded to them by the Tribunal. The enhanced amount shall be disbursed in the same manner as suggested by the Tribunal.

With the aforesaid modification, present appeal is disposed of. As held in ***Pranay Sethi's case*** (supra), the enhanced amount shall carry interest @ 7.5% per annum from the date of claim petition till its realization.

(HARI PAL VERMA)  
JUDGE

01.05.2018  
sanjeev

Whether speaking/reasoned? Yes/No  
Whether reportable? Yes/No