IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

201

*****

FAO No. 981 of 1991
Date of Decision : 20.5.2019

Reshma Devi (deceased) through LR and others ....Appellants

v.

Sukhwinder Singh and others ....Respondents

CORAM : HON'BLE MR. JUSTICE KULDIP SINGH

Present : Mr. Madan Pal, Advocate, for the appellants

Mr. Vinod Chaudhari, Advocate, for respondent No. 3/ Insurance Company

---

KULDIP SINGH, J. (Oral)

This appeal pertains to the accident which had taken place on 23.1.1990, in which Pala Ram, aged about 22 years, lost his life. The Tribunal vide award dated 9.4.1991, granted compensation to the tune of Rs.96,000/-. The Tribunal took the income of the deceased to minimum wages @ Rs.750/- per month and applied multiplier of 16.

Heard.

Admittedly, the minimum wages in the year 1990 are not disputed. The multiplier of 16 was applied, whereas as per the judgment of the Supreme Court in '**Sarla Verma v. Delhi Transport Corporation, 2009 (3) RCR (Civil) 77',** multiplier of 18 should have been applied. Therefore, compensation amount accordingly is to be calculated. In the impugned award future prospects were not considered. Therefore, taking the income of the deceased to be of Rs.750/-per month and future prospects are calculated @

40% which comes to Rs.300/-and income comes to Rs.1050/-per month from which 1/3rd is deducted as personal expenses (1050-350=700) and the dependency comes to Rs.700/-per month and after applying multiplier of 18 (700 x 12 x 18), compensation comes to Rs.1,51,200/-.

Learned counsel for the appellant claims that Rs.70,000/- on account of conventional heads i.e. last rites ceremonies, consortium, loss of estate etc. should be allowed in view of the judgment of the Apex Court in the case of '**National Insurance Co. Ltd. v. Pranay Sethi and others, 2017 (4) RCR (Crl.) 409 SC.'**

Learned counsel for the Insurance company contends that since the accident had taken place in the year 1991, therefore, the costs as prevailing at that time, should be taken into consideration while allowing the compensation under the conventional heads. He has prayed that 1/3rd deduction on Rs.70,000/-should be made on account of price differences between 1991 and today.

I have gone through the constitutional Bench judgment of the Apex Court in **Pranay Sethi's case** (supra) which shows that it had taken into consideration various judgments by which the compensation was determined. Some of the judgments are of much earlier period. The Supreme Court in the said case had not held that compensation under the conventional heads is to be awarded from the date of judgment of the Supreme Court or the earlier date. The accidents of the year 1991 might be involved in the judgments considered in **Pranay Sethi's** case (supra). This Court will stick to the parameters laid down in the judgment of **Pranay Sethi's case** (supra). Therefore, Rs.70,000/- on account of conventional heads i.e. Rs.15,000/-for loss of estate, Rs.40,000/-

for loss of consortium and Rs.15,000/-for funeral expenses are allowed. Another sum of Rs.40,000/-for loss of love and affection to the minor claimants is also allowed in view of the judgment of the Apex Court in **<u>'Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram and others</u>, 2018 (4) RCR (Civil) 333'.** The total amount of compensation comes to Rs.2,61,200/-.

After considering that the accident is of the year 1991 and the addition on account of interest is likely to be substantial, 6% per annum interest on enhanced compensation is also allowed.

Petition stands disposed of accordingly.

(KULDIP SINGH)
JUDGE

20.5.2019
Ashwani

Speaking/Reasoned : Yes/No
Reportable : Yes/No