

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-1646-2002
Date of Decision : 05.12.2019

Saroopi Devi and othersAppellants

VERSUS

Sagar Kumar and others Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

...

Present: Mr. B.S.Walia, Advocate
 for the appellants.

 Mr. Mayank Gupta, Advocate for
 Mr. Vinod Gupta, Advocate
 for respondent No.3.

...

MANJARI NEHRU KAUL, J.

The claimants-appellants are in appeal seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Ambala, vide its Award dated 07.12.2001 with regard to the death of Joginder Singh in an accident which took place on 19.06.1999 with a truck bearing registration No. CH-01V-2385 which came from the rear side and hit the bicycle of Joginder Singh resulting in his sustaining multiple injuries leading to his death.

The Tribunal awarded compensation to the tune of Rs.3,05,700/- as detailed below:-

S.No.	Heads	compensation (Amount in Rs.)
1	Income after deducting personal living expenses of the deceased	18,668.00

<i>S.No.</i>	<i>Heads</i>	<i>compensation (Amount in Rs.)</i>
2	Dependency after applying multiplier of 16	18,668 x 16=2,98,688/-
3	Loss of consortium to wife of the deceased i.e. appellant No.1	5,000.00
4	Funeral expenses	2,000.00
	Total	3,05,688/- rounded off to 3,05,700/-

Learned counsel for the claimants/appellants challenged the award passed by the Tribunal primarily on the ground that the learned Tribunal erred in not granting any compensation qua future prospects and other conventional heads besides also wrongly assessing the income of the deceased as Rs.2,000/- per month.

After hearing submissions of the learned counsel for the parties and perusing the impugned award, I am in agreement with the submissions of the learned counsel for the appellants that the compensation needs to be reassessed in light of the judgments of the Supreme Court in *National Insurance Company Ltd. v. Pranay Sethi 2017 SCC 1270* and *Magma General Insurance Co. Ltd. v. Nanu Ram alias Chuhru Ram & ors.2018 (4) R.C.R. (Civil)*.

In view of the above, the amount of compensation is reassessed as under:-

<i>S.No.</i>	<i>Heads</i>	<i>Compensation (Amount in Rs.)</i>
1	Income of the deceased	2,000/-x12=24,000/- per annum
2	Income after deducting 1/4 th as personal living expenses of the deceased	24,000 – 6,000 = 18,000/-
3	Total income after addition at the rate of 40% on account of future prospects	18,000 + 40% = 25,200/-
4	Dependency after applying multiplier of 16	25,200x16 = 4,03,200/-
5	Loss of estate	15,000/-
6	Funeral expenses including transportation	15,000/-
7	Loss of consortium to widow	40,000/-
8	Filial consortium to the mother	40,000/-
9	Parental consortium to three children	40,000 x 3 = 1,20,000/-
	TOTAL of Sr.No. 4 to 9	6,33,200/-

Needless to say, the amount already awarded by the learned Tribunal shall stand deducted from the compensation as detailed above. The claimants shall be entitled to interest @ 9% per annum on the enhanced amount, from the date of filing of the claim petition till realisation.

The petition stands modified in the above terms.

Appeal is disposed of accordingly.

(MANJARI NEHRU KAUL)
JUDGE

05.12.2019

rupi

Whether speaking/reasoned
Whether Reportable:

Yes / No
Yes / No