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

CM-14659-CII-2014 in/and
FAO No.6132 of 2010
Date of Decision: 30.08.2019

Sangeeta Garg and others

.....Appellants

Versus

Sohan Kumar and others

........Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present: Mr. Bhim Singh, Advocate
for the applicants-appellants.

Mr. D.R. Bansal, Advocate
for respondent No.3-insurance company.

NIRMALJIT KAUR, J. (ORAL)

CM-14659-CII-2014

Learned counsel for the parties agree that the matter can be taken up today for final disposal.

The same is taken up today itself.

CM stands disposed of.

Main Case

The present appeal has been filed for enhancement of compensation as awarded by the Motor Accident Claims Tribunal, Gurgaon (for short, the Tribunal), vide award dated 06.02.2010.

While praying for allowing the present appeal, learned counsel for the appellants submitted that no amount towards future prospects have been given, whereas, the appellants are entitled to 25% future prospects on account of his age being 42 years. It is further stated that the Tribunal has granted less amount towards funeral expenses, loss of estate, loss of consortium and transportation. Further, the amount towards loss of consortium should have been granted @ ₹40,000/- to each of the claimants

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as held by Hon'ble Apex Court in the case of Magma General Insurance Co. Ltd. Versus Nanu Ram @ Chuhru Ram and others, 2018 (4) R.C.R. (Civil) 333, besides this, the prayer for enhancement of compensation is also sought on the basis of various medical bills. It is stated that the medical bills amounting to almost ₹2.00 Lakh has not been taken into consideration.

Learned counsel for respondent No.3/insurance company while vehemently opposing the claim of the appellants qua the medical bills submitted that the appellants could not prove the said medical bills but could not dispute the well settled proposition of law as per the judgments rendered by the Hon'ble Apex Court in the cases of National Insurance Company Ltd. versus Pranay Sethi and others, (2017) 16 SCC 680, and Magma (supra) qua the other claim.

Hence, the appellants are entitled to future prospects @ 25%, the amount of ₹1,20,000/- (₹40,000/- to each claimants) towards loss of consortium, ₹15,000/- towards loss of estate instead of ₹5,000/- and another amount of ₹15,000/- towards funeral expenses against ₹5,000/-.

In view of the above, the compensation is now re-assessed as per the calculation provided under:-

Sr. No.	Head	Amount assessed
1	Income	₹21,500/- per month (21500 x 12 = 258000 per annum)
2	Future Prospects	25% (258000 x 25% = ₹64,500/-) 258000 + 64500 = ₹3,22,500/-
3	Deduction	1/3rd 1/3rd of 322500 = ₹1,07,500/- (322500 – 107500 = ₹2,15,000/-
4	Multiplier	14
5	Compensation	215000 x 14 = ₹30,10,000/-

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Sr. No.	Head	Amount assessed
6	Amount awarded by the Tribunal as expenses incurred on treatment	₹7,20,000/-
7	Loss of Consortium	₹1,20,000/- (₹40,000/- to each claimants)
8	Loss of estate	₹15,000/-
9	Loss of funeral expenses	₹15,000/-
10	Transport	₹10,000/-
11	Total	₹38,90,000/-
12	Compensation awarded by the Tribunal	₹31,58,000/-
13	Differences	₹3890000 – 3158000 = ₹7,32,000/-

Thus, the enhanced compensation of ₹7,32,000/- be paid to the appellants within two months from today alongwith 6% interest per annum from the date of filing of claim petition. In case the said amount is not paid within two months, the same shall be paid thereafter alongwith 12% interest from the expiry of the period of two months.

The appeal is disposed of accordingly.

(NIRMALJIT KAUR)
JUDGE

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

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