

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

\*\*\*\*

**FAO No.3890 of 2014  
Date of Decision: 14.05.2019**

Monika and others

Appellants

Versus

Bhagwat and others

Respondents

**CORAM: HON'BLE MR. JUSTICE AVNEESH JHINGAN**

Present: Mr. Rakesh Dhiman, Advocate  
for the appellants.

Mr. Pradeep Kumar, Advocate  
for respondent No.3.

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**AVNEESH JHINGAN, J (Oral):**

The award dated 30.07.2013 passed by the Motor Accident Claims Tribunal, Jhajjar [for brevity 'the Tribunal'] has been assailed by the widow, mother and minor son of Sanjay (deceased) seeking enhancement of compensation awarded under Section 166 of the Motor Vehicles Act, 1988 [for brevity 'the Act'].

The owner, driver and insurer (Universal Sompo General Insurance Corporation Ltd.) of Truck bearing registration No. RJ-32GA-4111 [hereinafter referred to as 'offending vehicle'] have been

arrayed as respondents No.1 to 3 respectively in the appeal.

The factum of the accident is not disputed by the parties. A motor vehicular accident took place on 15.05.2011. The accident proved fatal for Sanjay, aged 22 years. The accident was result of rash and negligent driving of the offending vehicle. The owner, driver and insurer of the offending vehicle were held jointly and severally liable to pay the compensation.

In the claim proceedings, it was pleaded that the deceased was an agriculturist but the claimants failed to prove monthly earning. The Tribunal assessed monthly income as ₹5,200/-; 1/3<sup>rd</sup> deduction for self-expenses was made as the deceased was survived by three dependents and multiplier of '18' was applied. The Tribunal awarded compensation of ₹7,58,800/- alongwith interest @ 6% per annum. The amount awarded included ₹5,000/- each for funeral expenses and for loss of consortium.

The two issues involved in the present appeal are that (i) no future prospects have been awarded; and (ii) amounts under the conventional heads be awarded as per decision of the Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and others AIR 2017 SC 5157.**

Heard learned counsel for the parties, perused the paper book and relevant documents produced by them.

Learned counsel for the appellants contends that no future prospects have been awarded; amounts awarded under the conventional heads are on the lower side and no amount is awarded

for loss of estate.

Learned counsel for the insurer defend the award but could not raise any serious objection with regard to settled position of law laid down by the Supreme Court in **Pranay Sethi's case** (supra).

There is no challenge by the parties to the loss of dependency i.e. ₹7,48,800/- calculated by the Tribunal. Having due regard to the decisions of the Supreme Court in **Pranay Sethi's case (supra)** and **Hem Raj Vs. Oriental Insurance Company Ltd. 2018 (2) PLR 480**, 40% of the said amount i.e. ₹2,99,520/- is awarded towards future prospects as the deceased was below 40 years of age and fell in the category of person having fixed wages.

As the quantum of compensation is being revisited, it would be appropriate that compensation under the conventional heads be awarded as per decision of the Supreme Court in **Pranay Sethi's case** (supra). The claimants are entitled to ₹15,000/- each for funeral expenses and for loss of estate. ₹40,000/- are awarded to the widow for loss of consortium.

The net effect is that amount of ₹10,000/- awarded under the conventional heads is enhanced to ₹70,000/-.

The award dated 30.07.2013 is modified to the extent that amount of ₹7,58,800/- awarded by the Tribunal is enhanced by ₹3,59,520/-.

The claimants shall be entitled to the enhanced amount alongwith interest @ 7.5% per annum from the date of filing of the

claim petition till realization of the amount.

The appeal is allowed in the aforesaid terms.

[AVNEESH JHINGAN]  
JUDGE

**May 14, 2019**

*pankaj baweja*

1. Whether speaking/ reasoned

:

Yes / No
2. Whether reportable

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Yes / No