

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

**FAO-3017-2015 (O&M)**

Date of Decision: September 04, 2019

Deepika and others

Appellants

Versus

Kuldeep Singh @ Dhola and others

Respondents

**CORAM:- HON'BLE MS. JUSTICE JAISHREE THAKUR**

Present:- Mr. Vinod K. Kanwal, Advocate for  
Mr. Ashit Malik, Advocate  
for the appellants.

Mr. Siddharth Gulati, Advocate  
for respondent No. 1 and 2.

Ms. Sheenu Sura, Advocate  
for respondent No. 3.

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**JAISHREE THAKUR, J. (Oral)**

This is an appeal that has been filed seeking enhancement of compensation as allowed by the Motor Accident Claims Tribunal, Kaithal. It is not in dispute that the appellant herein have been allowed compensation of ₹19,03,256/- on account of death of Rajesh Singla.

The brief facts of the case are that an accident took place on 15.04.2013 between a truck/-tipper bearing registration No. HR 64-2380 and an alto car bearing No. HR-07M-3516 in which the deceased Rajesh Singla, aged 31 years was traveling. On account of death of Rajesh Singla, a claim was filed before the MACT, Kaithal, which was contested by the respondents namely the Driver and the Insurance Company. After the

evidence was led, the Tribunal came to the conclusion that the offending vehicle was being driven in a rash and negligent manner which resulted into accident, that took place. Compensation on account of the untimely death of Rajesh Singla, the income of the deceased who was running a shop, was assessed to be ₹1,62,024/- per annum. A deduction of 1/3<sup>rd</sup> was applied, and therefore, a multiplier of 16 was allowed by taking into account the judgment as rendered in **Smt. Sarla Verma and others Vs. Delhi Transport Corporation, 2009 (3) PLR 22**. The Tribunal also allowed a sum of ₹1 lakh for loss of consortium and a sum of ₹50,000/- to be paid to the minor child for loss of love and affection along with funeral expenses to the tune of ₹25,000/-. The total compensation as assessed was ₹19,03,256/-.

Learned counsel for the appellant herein would contend that the compensation has not been assessed properly while not allowing future prospects as has been allowed in a judgment titled as **National Insurance Company Limited Vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009**, which is a judgment rendered by the Constitutional Bench.

Per contra, learned counsel for the Insurance Company disputes the liability of paying a sum of ₹1.75 lakh on account of loss of consortium and loss of love & affection and last rites by stating that the said compensation is not in consonance with the judgment rendered by the Constitutional Bench **National Insurance Company Limited Vs. Pranay Sethi and others, 2017(4) RCR (Civil) 1009**, however, does not dispute the fact that future prospects have not been allowed, which ought to have been assessed @ 40% of his income.

I have heard the learned counsels for the parties and find that

the judgment passed by the MACT, Kaithal dated 20.11.2014 needs to be modified to the extent that the claimants would also be entitled to future prospects @ 40% and other conventional heads are required to be reckoned, keeping in view the judgment of the Supreme Court in **National Insurance Company Limited Vs. Pranay Sethi and others (supra)**. The compensation towards loss of consortium and loss of love and affection is on the higher side, since the same is not in consonance with the judgment as rendered in **National Insurance Company Limited Vs. Pranay Sethi and others (supra)**. Therefore, the compensation as payable to be appellants is re-worked and tabulated as under:-

| Sr. No. | Heads of claim                                                   | Calculation            |
|---------|------------------------------------------------------------------|------------------------|
| 1       | Name of the deceased                                             | Rajesh Singla          |
| 2       | Date of accident                                                 | 15.04.2013             |
| 3       | Age of the deceased                                              | 31 years               |
| 4       | Monthly income of the deceased                                   | 13502/- per month      |
| 5       | 40% of (iv) is to be added towards future prospects              | (13502+5400)=18902/-   |
| 6       | <sup>1/3rd</sup> of (v) above deducted towards personal expenses | (18902-6300)=12602/-   |
| 7       | Compensation calculated after applying the multiplier of 16      | 12602x16x12=2419,584/- |
| 8       | Conventional heads                                               | 70000/-                |
| 9       | Total : (7+8)                                                    | 24,89,584/-            |

As a sequel of my discussion above, the appeal is partly allowed. The award of the Tribunal is modified and the total compensation payable to the claimants shall be ₹24,89,584/- and the amount in excess over what was awarded will also attract interest @7.5% from the date of

filing of the appeal in this Court till the date of payment. The claimants will share the amount of compensation as per the award of the Tribunal.

September 04, 2019  
*seema*

(JAISHREE THAKUR)  
JUDGE

|                           |        |
|---------------------------|--------|
| Whether speaking/reasoned | Yes    |
| Whether reportable        | Yes/No |