

**FAO No. 4238 of 2016**

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

**FAO No. 4238 of 2016**

**Date of Decision: April 22, 2019**

Manjit Kaur and others

..... Appellants(s)

**Versus**

Bahadur Singh and others

..... Respondent(s)

**CORAM:- HON'BLE MRS. JUSTICE LISA GILL**

Present: Mr. Satbir Rathore, Advocate  
for the appellants.

None for respondent nos.1 & 2.

Mr. R.K. Bashambu, Advocate for  
Mr. Paul S. Saini, Advocate  
for respondent no.3-insurance company.

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**LISA GILL, J. (oral)**

This appeal has been filed seeking enhancement of compensation awarded to the claimants vide award dated 10.03.2016, passed by learned Motor Accident Claims Tribunal, Hoshiarpur (hereinafter referred to as 'the Tribunal) on account of death of Charanjit Singh.

The claimants who are widow and minor children of the deceased Charanjit Singh, preferred a claim petition under Section 166 of the Motor Vehicles Act, 1988 (hereinafter referred to as 'the Act) seeking compensation on account of death of Charanjit Singh in the motor vehicle accident. Charanjit Singh was stated to be serving the Punjab Police as a Head Constable, drawing a salary of Rs.40,335/- per month. Learned

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Tribunal on considering the evidence on record concluded that Charanjit Singh died due to injuries received by him in the motor vehicle accident, which took place on 16.12.2014, due to the rash and negligent driving of the offending car bearing registration No. HR-26-V-4490, by its driver Amrinder Singh-respondent no.2. Learned Tribunal while accepting income of the deceased to be Rs. 4,84,020/- per annum and after deducting the amount of income tax of Rs.23,000/- awarded a sum of Rs.44,32,858/- as compensation to the appellants. The same is detailed as under:-

| Sr. No. | Heads                                                                | Calculations                      |
|---------|----------------------------------------------------------------------|-----------------------------------|
| 1.      | Income                                                               | 40,335/- per month                |
| 2.      | Annual income after deducting amount of income tax                   | 4,84,020 – 23,000 = Rs.4,61,020/- |
| 3.      | Income after deducting 1/3 <sup>rd</sup> as personal living expenses | 4,61,020 - 1,53,673 = 3,07,347/-  |
| 4.      | Compensation after applying multiplier of 14                         | 3,07,347 x 14 = 43,02,858/-       |
| 5.      | Compensation on account of loss of consortium to claimant no.1       | 1,00,000/-                        |
| 6.      | Loss of estate and general damages                                   | 15,000/-                          |
| 7.      | Funeral expenses                                                     | 15,000/-                          |
|         | <b>Total</b>                                                         | <b>44,32,858/-</b>                |

Present appeal has been filed seeking enhancement of the aforesaid compensation.

Learned counsel for the appellants argues that enhancement on account of future prospects should be afforded to the claimants. It is fairly stated that the amount of consortium awarded to appellant no.1 may be re-worked.

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Learned counsel for the insurance company refutes the above said arguments and prays for dismissal of this appeal, though it is not disputed that the deceased was serving the Punjab Police as a Head Constable, earning Rs.40,335/- per month.

I have heard learned counsel for the parties.

There is no dispute regarding death of Charanjit Singh in the motor vehicle accident, which took place on 16.12.2014, due to the rash and negligent driving of the offending car bearing registration No. HR-26-V-4490, by its driver Amrinder Singh - respondent no.2. There is further no dispute regarding the income of the deceased as assessed by the learned Tribunal after deducting the amount of income tax. Keeping in view the judgment of the Hon'ble supreme Court in *National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680*, 30% increment has to be afforded on account of future prospects as the deceased was admittedly 45 years old at the time of accident. Deduction of 1/3<sup>rd</sup> was correctly effected by learned Tribunal, keeping in view the number of claimants. Multiplier of 14 was also correctly applied. Amount of Rs.15,000/- each awarded towards funeral expenses and loss of estate is maintained. Instead of a sum of Rs.1,00,000/- awarded by the learned Tribunal on account of loss of consortium, appellant no.1 is held entitled to Rs.40,000/- on this count. Appellants no.2 and 3 are entitled to a sum of Rs.40,000/- towards loss of parental consortium in terms of the judgment of Hon'ble Supreme Court in *Magma General Insurance Company Ltd. v.*

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*Nanu Ram Alias Chuhru Ram & Ors. 2018(4) RCR Civil 333*, as well as decision dated 14.03.2019 of this Court in FAO No.2110 of 2016, titled Shri Ram General Insurance Co. Ltd. Vs. Beant Kaur and others.

Appellants-claimants are, thus, entitled to compensation which is re-worked as under:-

| Sr. No. | Heads                                                                           | Calculations                      |
|---------|---------------------------------------------------------------------------------|-----------------------------------|
| 1.      | Income                                                                          | 40,335/- per month                |
| 2.      | Annual income after deducting amount of income tax                              | 4,84,020 – 23,000 = Rs.4,61,020/- |
| 3.      | Income after deducting 1/3 <sup>rd</sup> as personal living expenses            | 4,61,020 - 1,53,673 = 3,07,347/-  |
| 4.      | Compensation after applying multiplier of 14                                    | 3,07,347 x 14 = 43,02,858/-       |
| 5.      | Compensation on account of loss of consortium to appellant no.1                 | 40,000/-                          |
| 6.      | Compensation on account of loss of parental consortium to appellant nos.2 and 3 | 40,000/-                          |
| 7.      | Loss of estate                                                                  | 15,000/-                          |
| 8.      | Funeral expenses                                                                | 15,000/-                          |
|         | <b>Total</b>                                                                    | <b>44,12,858/-</b>                |

Needless to say, the amount already awarded by the learned Tribunal shall stand deducted from the compensation as detailed above. Claimants shall be entitled to interest at the rate of 7.5% per annum on the enhanced amount, from the date of filing of the claim petition till realization. Ratio of apportionment as well as manner of disbursement of compensation amongst the claimants as determined by the learned Tribunal shall remain the same.

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Appeal is accordingly disposed of.

**April 22, 2019.**  
Sunil

**( LISA GILL )**  
**JUDGE**

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