

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

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FAO-2350-2017(O&M)

Date of Decision : November 01, 2019

ORIENTAL INSURANCE COMPANY LTD

.....Appellant

VERSUS

MEENA & ORS

.....Respondents

2

FAO-2353-2017(O&M)

ORIENTAL INSURANCE COMPANY LTD

.....Appellant

VERSUS

SANJANA RANI & ORS

.....Respondents

3

FAO-2354-2017(O&M)

ORIENTAL INSURANCE COMPANY LTD

.....Appellant

VERSUS

SAROJ RANI & ORS

.....Respondents

CORAM: HON'BLE MS. JUSTICE NIRMALJIT KAUR

Present : Mr. Ashwani Talwar, Advocate and
Mr. Akash Sridhar, Advocate
for the appellant in all the appeals.

Mr. Ashwani Arora, Advocate
for respondents No.1 to 3 in FAO-2350-2017 and
for respondents No. 1 to 6 in FAO-2353-2017 and
for respondents No.1 to 4 in FAO-2354-2017.

NIRMALJIT KAUR, J. (Oral)

All the above mentioned appeals shall stand disposed of by
this common order.

All the appeals have been filed by the appellant-Insurance Company seeking modification of the award dated 8.11.2016 vide which the compensation is stated to have been awarded on the higher side.

While praying for the said modification, learned counsel for the appellant-Insurance Company submitted that the compensation is excessive under two of the following heads. Firstly, the future prospects should have been @ 40% instead of @ 50% taking into account the age of the deceased being 28 years and 32 years respectively. Secondly, the amount under the conventional head cannot be more than Rs.70,000/- taking into account the judgment rendered by the Hon'ble Apex Court in the case of **National Insurance Company Limited vs. Pranay Sethi and others**, 2017 AIR(SC) 5157.

Learned counsel for the respondents-claimants does not dispute the first ground raised by learned counsel for the appellant qua the future prospects. It is not denied that the future prospects should be @ 40% instead of @ 50%.

Accordingly, the future prospects shall stand reduced to @ 40%.

Now the only issue survives is qua the amount granted under the conventional head.

There is no doubt that as per the judgment rendered in the case of Pranay Sethi (supra), maximum Rs.70,000/- should be awarded whereas learned counsel for the respondents-claimants has relied upon the judgment rendered by the Hon'ble Apex Court in the case of **Magma**

General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram & Ors.,

2018(4) R.C.R.(Civil) 333, wherein Rs.40,000/- has been granted to each of the claimants on account of loss of spouse, parental and filial consortium. It is also not disputed that the judgment rendered by the Hon'ble Apex Court in the case of Pranay Sethi (supra) was also discussed by the Hon'ble Apex Court in the case of Magma General Insurance Co. Ltd. (supra).

Accordingly, this Court deems it proper to award Rs.40,000/- to each of the claimants as awarded in the case of Magma General Insurance Company Ltd., (supra). Thus, Rs.40,000/- is granted to each of the claimants while modifying the amount granted under this head by the Tribunal.

The award dated 8.11.2016 is, accordingly, modified as per the calculation provided under:-

FAO-2350-2017(O&M)

Sr. No.	Head	Amount assessed
1	Income	Rs.7500/- p.m.
2	Future prospects @ 40%	7500 @ 40% = 3000 7500 + 3000 = 10500
3	Dependency @ 1/3 rd	10500 x 1/3 rd = 3500 10500 – 3500 = 7000
4	Multiplier	7500 x 12 x 17 = Rs.14,28,000/-
5	Consortium (40,000 x 3)	Rs.1,20,000/-
6	Loss of estate and funeral expenses	Rs.30,000/-
7	Total	Rs.15,78,000/-
8	Compensation awarded by the Tribunal	Rs.17,55,000/-

FAO-2353-2017(O&M)

Sr. No.	Head	Amount assessed
1	Income	Rs.7500/- p.m.
2	Future prospects @ 40%	7500 @ 40% = 3000 7500 + 3000 = 10500
3	Dependency @ 1/4 rd	10500 x 1/4 rd = 2625 10500 – 2625 = 7875
4	Multiplier	7875 x 12 x 16 = Rs.15,12,000/-
5	Consortium (40,000 x 6)	Rs.2,40,000/-
6	Loss of estate and funeral expenses	Rs.30,000/-
7	Total	Rs.17,82,000/-
8	Compensation awarded by the Tribunal	Rs.18,45,000/-

FAO-2354-2017(O&M)

Sr. No.	Head	Amount assessed
1	Income	Rs.7500/- p.m.
2	Future prospects @ 40%	7500 @ 40% = 3000 7500 + 3000 = 10500
3	Dependency @ 1/4 rd	10500 x 1/4 rd = 2625 10500 – 2625 = 7875
4	Multiplier	7875 x 12 x 16 = Rs.15,12,000/-
5	Consortium (40,000 x 4)	Rs.1,60,000/-
6	Loss of estate and funeral expenses	Rs.30,000/-
7	Total	Rs.17,02,000/-
8	Compensation awarded by the Tribunal	Rs.18,45,000/-

Accordingly, the appeals are allowed to the said extent. It is pointed out that by way of an interim order dated 6.4.2017, some amount was stayed. The amounts of Rs.15,78,000/- in FAO-2350-2017, Rs.17,82,000/- in FAO-2353-2017 and Rs.17,02,000/- in FAO-2354-

2017 after deducting the amount already deposited in view of the above modification to be deposited within six weeks from the receipt of certified copy of this order alongwith interest already awarded by the Tribunal.

However, in case the same is not deposited within six weeks, the same shall thereafter be deposited alongwith interest @ 12% till payment after the expiry of six weeks.

November 01, 2019
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(NIRMALJIT KAUR)
JUDGE

Whether speaking/reasoned.	:	Yes/No
Whether Reportable.	:	Yes/No