

**IN THE HIGH COURT OF PUNJAB AND HARYANAAT
CHANDIGARH**

FAO No. 4235 of 2018

Date of Decision: April 03 , 2019.

Maya Devi

..... APPELLANT (s)

Versus

Gajraj Singh and others

..... RESPONDENT (s)

CORAM:- HON'BLE MRS.JUSTICE LISA GILL

Present: Mr. Chetan Kapoor, Advocate for
Mr. Ashish Gupta, Advocate
for the appellant.

Mr. Akash Sridhar, Advocate for
Mr. Ashwani Talwar, Advocate
for respondent No.3 – Insurance company

LISA GILL, J.

This appeal has been filed by the claimant seeking enhancement of compensation awarded to her by the learned Motor Accident Claims Tribunal, Karnal (for short, the 'Tribunal') vide impugned award dated 27.02.2018 on account of death of her son, Rakesh, in a motor vehicle accident.

Brief facts necessary for the adjudication of the case are that, the claimant, who is the mother of deceased-Rakesh, filed a petition under Sections 166 and 140 of the Motor Vehicles Act seeking compensation on account of death of her son, who lost his life in a motor vehicle accident which took place on 02.11.2012. FIR No.381 of 2012 under Sections 279/337/427/304A IPC, Police Station Katra, District Shahzanpur (UP) was registered against respondent No.1-

Gajraj Singh.

Learned Tribunal on considering the facts and evidence on record concluded that the accident in question took place due to the rash and negligent driving of truck bearing registration No.HR-38K-3260 by respondent No.1-Gajraj. Learned Tribunal while accepting deceased-Rakesh to be 25 years old, assessed his income as ₹8,000/- per month. Deduction to the extent of 50% was effected. Multiplier of 18 was applied. Increment at the rate of 40% towards future prospects was afforded. ₹15,000/- was awarded on account of funeral expenses and transportation. A total sum of ₹12,24,600/- was awarded to the claimant.

Aggrieved of the quantum of compensation, the present appeal has been filed.

Sole argument raised by learned counsel for the appellant is that, compensation on account of loss of estate and filial consortium has not been awarded by the learned Tribunal and additionally, interest has been awarded at a lower rate.

Learned counsel for respondent No.3-Insurance company is unable to deny that the compensation under the heads as above has not been awarded, though it is submitted that the appellant is not entitled to any compensation for loss of filial consortium.

I have heard learned counsel for the parties and have gone through the file.

There is no dispute regarding death of Rakesh in a motor vehicle accident which took place on 02.11.2012 due to the rash and negligent driving of the offending truck bearing registration No.HR-38K-3260 by respondent No.1-

Gajraj Singh. Neither is there a dispute regarding liability of the Insurance company. Increase in income at the rate of 40% on account of future prospects has been rightly afforded keeping in view the observations of the Hon'ble Supreme Court in National Insurance Company Limited v. Pranay Sethi and others, 2017(16) SCC 680. Deduction to the extent of 50% on account of personal expenses has been correctly effected. Multiplier of 18 has been rightly applied as well. However, in view of the judgments of the Hon'ble Supreme Court in Pranay Sethi (supra) and **Magma General Insurance Company Ltd. v. 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 (Shri Ram General Insurance Company Ltd. v. Beant Kaur and others), the appellant is additionally entitled to ₹15,000/- on account of loss of estate and ₹40,000/- on account of loss of filial consortium.

Claimant shall be entitled to interest on the entire amount at the rate of 7.5% per annum, instead of 6% per annum, from the date of filing of the petition till realization.

Appeal is accordingly disposed of.

April 03 , 2019.
'sd'/om'

(**LISA GILL**)
JUDGE

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