

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

**FAO No.6775 of 2015 (O&M)
Date of Decision: April 11, 2019.**

Amina and others

.....APPELLANT(s).

VERSUS

Chhutan and others

.....RESPONDENT(s).

CORAM:- HON'BLE MR. JUSTICE SURINDER GUPTA

Present: Mr. Barjinder Singh, Advocate for
Mr. Ashish Gupta, Advocate
for the appellant (s).

None for respondents No.1 to 3.

Mr. Vinod Gupta, Advocate
for respondent No.4-insurance company.

SURINDER GUPTA, J.

Motor Accident Claims Tribunal, Gurgaon (hereinafter referred to as 'the tribunal') vide award dated 04.02.2015 allowed compensation of ₹5,98,852/- for death of Shahabudin, aged 26 years, husband of appellant No.1, father of appellants No.4 to 6 and son of appellants No.2 and 3, in a motor vehicle accident with Eicher Canter bearing registration No.RJ-02/G-7338.

As the only issue pressed in this appeal relates to quantum of compensation as awarded by tribunal, detailed facts of the case are being skipped for the sake of brevity.

The compensation awarded by the tribunal was computed as follows:-

(i)	Name of the deceased	Shahabudin
(ii)	Date of accident	30.06.2005
(iii)	Age of the deceased	26years
(iv)	Income of the deceased	₹2500 p.m.
(v)	50% addition in the income of deceased towards future prospects	₹2500+1250=₹3750 p.m.
(v)	Deduction of 1/4 th towards personal expenses of the deceased	₹3750-937=₹2813 p.m.
(vi)	Multiplier applied 17	₹2813X12X17 =₹573852
(vii)	Compensation for loss of estate and funeral expenses.	₹25000
<i>Total</i>		₹5,98,852/-

Learned counsel for the appellants has confined his submission only for grant of compensation to the wife of deceased towards loss of consortium, which has not been awarded by the tribunal.

Learned counsel for respondent No.4-insurance company has argued that the tribunal has assessed income of the deceased as daily wage and as per the law settled by Hon'ble Apex Court in case of ***National Insurance Company Limited Vs. Pranay Sethi and others 2017(4) R.C.R. (Civil) 1009***, 40% addition in the income of the deceased could be made towards loss of future prospects. However, the accident had taken place in the year 2005, as such, appellant-claimant No.1-wife of deceased is not entitled to compensation of ₹40,000/- as assessed for loss of consortium in case of ***National Insurance Company Limited Vs. Pranay Sethi and others (supra)***. At the most, she can be awarded compensation of ₹20,000/- to ₹25,000/- under this head. Even by adding the compensation under the head of loss of consortium, the claimants are not entitled to seek enhanced amount of compensation.

It has not been disputed by learned counsel for the appellants

that addition in the income of the deceased towards loss of future prospects

as per law settled in case of *National Insurance Company Limited Vs. Pranay Sethi and others (supra)*, could be 40%. The accident had taken place in the year 2005 and keeping in view the money value prevailing at that point of time, claimant No.1-wife of the deceased is entitled to a compensation of ₹25,000/- under the head of loss of consortium.

After addition of above amount of ₹5,000/- under the head of loss of consortium, the compensation to which the claimants are entitled, works out as follows:-

Sl.No.	Heads	Calculation
(i)	Income of the deceased	₹2500 per month
(ii)	40% of above (i) to be added as loss of future prospects	(₹2500+₹1000)= ₹3500 per month
(iii)	Deduction of 1/4 th towards personal expenses of the deceased	(₹3500-₹875)= ₹2625 per month
(iv)	Compensation after multiplier of 17 is applied	(₹2625X12X17)= ₹535500
(v)	Loss of consortium	₹25000
(vi)	Loss of estate and funeral expenses	₹25000
Total		₹5,85,500/-

The tribunal has awarded a compensation of ₹5,98,580/-, which is higher than the compensation to which the claimants are entitled to as per law settled by Hon'ble Apex Court in case of *National Insurance Company Limited Vs. Pranay Sethi and others (supra)*.

In view of the above, the claimants are not entitled to seek any enhancement of compensation. Consequently, this appeal has no merits.

Dismissed.

April 11, 2019.
Sachin M.

Whether speaking/reasoned:

Whether Reportable:

(SURINDER GUPTA)
JUDGE

Yes/No

Yes/No