

FAO No. 15870 of 2018 (O&M).

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

**FAO No. 15870 of 2018 (O&M)
Date of Decision: July 25, 2019**

Horam and others

..... Appellants(s)

Versus

Jagdish Chand and another

..... Respondent(s)

CORAM:- HON'BLE MRS. JUSTICE LISA GILL

Present: Mr. Johan Kumar, Advocate and
Mr. Akshay Bansal, Advocate
for the appellants.

Service upon respondent no.1 dispensed with
vide order dated 28.05.2019.

Mr. Lalit Garg, Advocate
for respondent no.2-insurance company.

LISA GILL, J. (oral)

This appeal has been filed seeking enhancement of the compensation awarded to the claimants vide award dated 09.08.2018, passed by learned Motor Accidents Claims Tribunal, Palwal (hereinafter referred to as 'the Tribunal) on account of death of Krishan.

The claimants-appellants preferred a petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of death of Krishan in a motor vehicle accident, which took place on 07.07.2017. The claimants are the parents and minor brother of the deceased.

Learned Tribunal on considering the evidence on record, besides the facts and circumstances of the case concluded that Krishan died due to the injuries received by him in the motor vehicle accident, which took place on 07.07.2017, due to the rash and negligent driving of the motorcycle bearing registration No. HR-52-E-6763, by its driver Jagdish Chand-respondent no.1. Learned Tribunal while assessing income of the deceased to be Rs.7,500/- per month and his age to be 20 years, applied a multiplier of 18 and afforded a sum of Rs.11,64,000/- as compensation to the appellants-claimants, the detail of which is as under:-

<i>Sr.No.</i>	<i>Heads of Claim</i>	<i>Amount</i>
1.	Income	7,500 x 12 i.e. 90,000/- per annum
2.	Income after deduction of 50% on account of personal and living expenses of the deceased	90,000 - 50% = 45,000/-
3.	Income after addition @ 40% on account of future prospects	45,000 + 18,000 (45,000x40%) = 63,000/-
4.	Income after applying multiplier of 18	63,000 x 18 = Rs.11,34,000/-
5.	Funeral expenses	Rs.15,000/-
6.	Loss of estate	Rs.15,000/-
	Grand Total	Rs.11,64,000/-

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

The sole argument raised by learned counsel for the appellants is that the claimants-appellants no.1 & 2 are entitled to loss of filial consortium, which has not been awarded by the learned Tribunal.

Learned counsel for the insurance company refutes the above said arguments while submitting that just and reasonable compensation has

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been awarded by the learned Tribunal, which calls for no enhancement.
Dismissal of this appeal is prayed for.

I have heard learned counsel for the appellant and respondent
no.2 and have gone through the file.

Keeping in view the judgment of Hon'ble Supreme Court in
*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, titled Shri Ram General Insurance Co. Ltd.
Vs. Beant Kaur and others, a sum of Rs.40,000/- is awarded to appellants
no.1 & 2 towards loss of filial consortium. Claimants/appellants no.1 & 2
shall be entitled to interest on the enhanced amount at the rate of 7.5% per
annum from the date of filing of the petition till realization.

No other argument has been raised. Appeal is accordingly
disposed of with the above said modification in the compensation awarded by
the learned Tribunal.

July 25, 2019.

Sunil

**(LISA GILL)
JUDGE**

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