

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-4608-2016(O&M)

Date of decision: 08.01.2020

Poonam and others

.....Appellants

Versus

Amit and others

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Manoj Kumar Bansal, Advocate for
Mr.Aman Dhir, Advocate for the appellants

Mr. Ravinder Malik, Advocate for
Mr.Sachin Hooda, Advocate for respondents No.1-2

Mr. Rajneesh Malhotra, Advocate for respondent No.3

ANIL KSHETARPAL, J. (ORAL)

CM-15897-CII-2016

In view of no objection by learned counsel for the
contesting respondents No.1 and 2, delay of 1185 days in filing the
appeal is condoned. However, appellants shall not be entitled to
interest for that period.

Main case

With the consent of the learned counsel for the parties,
main appeal is taken on Board for final disposal.

Learned counsel for the appellants submits that the
appellants are seeking enhancement in the compensation awarded by

the Motor Accident Claims Tribunal (hereinafter referred to as the 'Tribunal') on account of death of Amarjeet @ Jitu on the following two grounds:-

i) The addition in the income has not been made by the Tribunal on account of future prospects of enhancement in the income of the deceased which has been recognized by the Constitution Bench of the Hon'ble Supreme Court in the case of '**National Insurance Company Ltd. vs. Pranay Sethi and other**' 2017 (10) SC 450.

ii) The compensation on account of conventional heads i.e loss of consortium, loss of estate and funeral expenses have not been properly awarded.

Learned counsel for the respondents does not dispute that position.

The deceased Amarjeet @ Jitu was 21 years old at the time of death. Learned Tribunal has assessed the income as Rs.6000/- per month. Keeping in view the judgment passed by the Hon'ble Supreme Court the income is to be increased by 40% on account of expected increase of income in the future. Further, under the conventional heads i.e loss of consortium, loss of estate and funeral expenses, total amount of Rs.70,000/- is to be awarded as per the aforesaid Constitution Bench judgment. Claimants-appellants are widow, two minor children and parents of the deceased.

Keeping in view the aforesaid facts, under the conventional heads, an amount of Rs.15,000/- is increased.

Compensation payable is recalculated as under:-

Heads	Compensation awarded by Motor Accident Claims Tribunal	Compensation awarded by this Court
Income assessed – Deduction (1/4 th) + future prospects	6000 -1500 = 4500 + Nil = 4500	6000 -1500 = 4500 +(40%) i.e 1800 = 6300
Annual Dependency	4500x 12 = 54000	6300x12= 75,600
Multiplier (18)	54000x 18=9,72,000	75,600x 18 =13,60,800
Conventional heads:- i) Loss of consortium ii) Loss of Estate iii) Funeral Expenses	10,000 Nil 5,000	40,000 15,000 15,000
Total compensation awarded - compensation already awarded by MACT = Enhanced compensation	9,87,000	14,30,800 - 9,87,000 = 4,43,800

In view thereof, present appeal is allowed. The enhanced compensation shall be payable alongwith interest at the same rate as awarded by the Tribunal. However, they shall not be entitled to interest for 1185 days (the period of delay).

08.01.2020
rekha
Whether speaking/reasoned
Whether Reportable

(ANIL KSHETARPAL)
JUDGE
Yes / No
Yes / No