

FAO- 600 of 2019 (O&M)
Date of Decision: 6.1.2020

Mano Devi and others

---Appellants

versus

Anuj Goyal and others

---Respondents

Coram: Hon'ble Mrs. Justice Rekha Mittal

Present: Mr. B.S.Dhull, Advocate
for the appellants

Mr. Vinod Gupta, Advocate,
for the insurance company/respondent No. 3

Rekha Mittal, J.

The claimants are in appeal seeking enhancement of compensation on account of death of Pawan in a motor vehicular accident that took place on 26.1.2017.

The Motor Accidents Claims Tribunal, Kaithal (in short “the Tribunal”) awarded Rs.9,99,980/-, detailed hereunder:-

Monthly income of the deceased	Rs. 9600/-
Addition in income for future prospects	10%
Deduction for personal expenses	1/3rd
Multiplier	11
Loss of dependency	Rs. 9,29,980/-
Loss of estate	Rs. 15,000/-
Loss of consortium	Rs. 40,000/-
Funeral expenses	Rs. 15,000/-

The sole submission made by counsel for the appellants is that claimants are entitle to loss of consortium in the light of judgment of Hon'ble the Supreme Court **Magma General Insurance Company Limited**

vs. Nanu Ram alias Chuhru Ram and others, 2018(4) RCR (Civil) 333.

Counsel representing the insurance company, on the contrary, has supported compensation under conventional heads by referring to judgment of Hon'ble the Supreme Court **National Insurance Company Limited vs. Pranay Sethi and others 2017 SCC 1270**. He would further argue that income of the deceased assessed by the Tribunal is more than minimum wage available at the relevant time.

Contention raised by the appellants for grant of consortium in the light of judgment in **Magma General Insurance Company Limited's case (supra)** is not sustainable in view of decision by the Constitution Bench in **Pranay Sethi and others' case (supra)** and judgment by a three Judge Bench of Hon'ble the Supreme Court **Sebastiani Lakra and others vs. National Insurance Company Limited and another AIR 2018 SC 5034** decided subsequent to decision in **Magma General Insurance Company Limited's case (supra)**. In this view of the matter, there is no scope for allowing additional compensation.

For the foregoing reasons, finding no merit, the appeal fails and is accordingly dismissed, leaving the parties to bear their own costs. As the appeal has been decided on merits, application for condonation of delay in filing the appeal is of academic relevance.

(Rekha Mittal)
Judge

6.1.2020
PARAMJIT

Whether speaking/reasoned : Yes

Whether reportable : Yes/No