IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO NO. 844 OF 2010 (O&M)
DATE OF DECISION : 16.03.2021

Jalmajor Singh(since deceased) & Anr.

…Appellants

Versus

Surinder Kumar and others

…Respondents

CORAM : HON'BLE MR. JUSTICE ARUN MONGA

Present : Mr. Ashwani Arora, Advocate,
for the appellants.

Mr. Vikas Lochhab, Advocate
For the respondent No.1.

Mr. M.S. Sidhu, Advocate
For respondent No.2.

Mr. Vinod Gupta, Advocate
For respondent No.3-Insurance Company
(Presence marked through video conferencing).

ARUN MONGA, J.

1. The claimants are seeking enhancement of the award dated 08.10.2009 rendered by the Motor Accident Claims Tribunal, Mohali (for brevity, the Tribunal) by virtue of which the claimants are held entitled for compensation of Rs.4,000,00/- on account of death of Amrinder Singh occurred in the motor vehicular accident which took place on 16.10.2007. The claim petition was filed by the father and unmarried sister of the deceased. During pendency of instant appeal, appellant No.1, Jalmajor Singh expired and appellant No.2 Gurjeet Kaur had been permitted to be impleaded as legal heir of appellant No.1 as well.

2. Concededly, the deceased was 24 years of age and unmarried at the time of death. He though was employed in Indian Army, but per record he was discharged from the Army on 31.08.2007. At that time, he was getting salary of Rs.7161/-. The

Tribunal took the monthly income of deceased at Rs.5000/-, after deducting 1/3rd therefrom, applied the multiplier of 10 and awarded a sum of Rs.4,000,00/- as compensation payable along with interest @ 7%.

3. Learned counsel for the appellant argues that not only the Tribunal has taken the monthly income of deceased on lower side as Rs.5000/-, apart therefrom no addition has been made towards future prospects and the claimants are entitled to loss of consortium and under other conventional heads. He relies on **National Insurance Company Limited Versus Pranay Sethi and others**[1] and **New India Assurance Company Limited Vs. Somwati**[2]**.**

4. On the other hand, learned counsel for respondents have supported and justified the impugned award.

5. Having heard the rival contentions, this Court is of the opinion that, in view of the dictum, *ibid,* the Tribunal has not rightly considered the monthly income of the deceased and erred in applying the multiplier of 10. No amount has been awarded towards future prospects and other conventional heads, to which the claimants are legally entitled to. The claimants are, thus, entitled to enhancement in the compensation, as per calculations below:-

Monthly income of the deceased	Rs.6000/- per month
Annual income	Rs.72,000/-
Future increase @ 40% as per Praney Sethi's case	28,800/-
Total annual income	Rs.1,00,800/-
Deductions (one half as deceased was bachelor)	Rs.50,400/-
Annual dependency	Rs.50,400/-
Multiplier	18
Dependency(Rs.50,400 X 18)	Rs.9,07,200/-
Loss of Consortium (As per Somwati case) (Rs.40,000/- X 2)	Rs.80,000/-
Funeral expenses	Rs.15,000/-
Loss of Estates	Rs.15,000/-
Total	Rs.10,17,200/-
Awarded amount	Rs.4,000,00/-
Enhanced amount	Rs.6,17,200/-

[1] 2017(4) RCR (Civil) 1009

[2] 2020 SCeJ 1617

6. Thus, the claimants are held entitled to an amount of Rs.6,17,200/- over and above the amount awarded by the Tribunal, which shall be paid along with interest @ 7% from the filing of the claim petition till its actual realization.

7. The claim petition stands disposed of in above terms.

March 16, 2021 **(ARUN MONGA)**
Jiten **JUDGE**

Whether speaking/reasoned : **Yes/No**

Whether reportable : **Yes/No**