IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-1093-2019 (O&M)
Reserved on: 16.12.2022

DATE OF PRONOUNCEMENT: **21.12.2022**

Gurmej Singh and ors. ………..…Appellants

Versus

Gurnaib Singh and others ……..…Respondents

CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA

Present:- Mr. Vijay Lath, Advocate with
Mr. Naveen Sharma, Advocate for the appellants.

Mr. Vinod Gupta, Advocate for
respondent No.3- Insurance Company

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HARKESH MANUJA, J.

The present appeal lays challenge to an award dated 04.07.2018 passed by the learned Motor Accident Claims Tribunal, Rupanagar (in brevity, ‘the Tribunal’), whereby compensation of Rs.5,38,000/- has been awarded to the appellants/ claimants along with interest @ 6% per annum.

On account of death of Naresh Kumari in a road accident on 12.11.2017, a claim petition was filed before the learned Tribunal; wherein it was held that accident took place due to rash and negligent driving of respondent No. 1/ driver. Learned Tribunal, on account of her multifarious services towards the family, assessed notional income of the deceased @ Rs. 3,000/- per month and awarded compensation in the following manner-:

S.No	**Heads of Claim**	**Amount (in Rs)**
1.	Loss of dependency	Rs.4,68,000/-
3.	Funeral expenses	Rs.15,000/-
4.	Loss of Estate	Rs.15,000/-
3.	Loss of consortium	Rs.40,000/-
	Total	Rs. 5,38,000/-

Being aggrieved against the award dated 04.07.2018, the present appeal has been preferred by the appellants/ claimants, praying for enhancement of compensation on account of loss of dependency as well as consortium.

Learned counsel for the appellants contends that in the present case notional income against services rendered by a house wife should have been assessed at least equal to the minimum wages of a skilled labourer at the relevant time. In support of his contention, he places reliance upon the judgments of Hon'ble the Supreme Court in **"Lata Wadhwa and others vs. State of Bihar and others"** reported as (2001)8 SCC 197, **"New India Assurance Company Ltd. vs Nazar Singh and others"** reported as 2019(4) R.C.R. (Civil) 939, **"Sher Singh and others vs Buta Singh and others"** reported as 2019 (5) R.C.R. (Civil) 897 and **"Reliance General Insurance Company Ltd. vs Puran Singh and others"** reported as 2021 ACJ 1078. He further contends that while awarding compensation, future prospects have not been granted; whereas in view of **"National Insurance Company Vs. Pranay Sethi and others"**, reported as 2017(4) RCR (Civil) 2009, future prospects @ 25% should have been awarded. With respect to conventional heads, he contends that no compensation has been awarded on account of parental consortium.

On the other hand, learned counsel for respondent No. 3/ Insurance Company contends that notional income of the deceased housewife has been appropriately considered by the learned Tribunal so as to assess the just and fair compensation. He further contends that if no deduction has been made on account of personal expenses, future prospects are not liable to be awarded and if future prospects are awarded, then deduction on account of personal expenses shall also be made.

I have heard learned counsel for appellants and gone through the paper book. Similar argument as raised by the learned counsel for both parties have already been discussed by this Court in FAO 548 of 2019 in case titled as **"Mahesh Kumar and ors. vs Satyaveer Singh and others"**, and therefore, for the sake of brevity, they are not being repeated here except pointing out that income should have been assessed as per minimum wages of skilled labourer and there is no correlation between awarding future prospects and deduction on account of personal expenses. So, same reasoning would follow and the only difference would be regarding notional income of the deceased at the relevant time in State of Haryana when the accident took place. Therefore, in the present facts and circumstances, on account of multifarious services rendered by the deceased towards her family members, her notional income shall be assessed at least equal to a skilled labourer, which in Haryana at the relevant time was approximately Rs. 9,300/- per month.

In view of **Pranay Sethi's case** (supra) as the age of the deceased was 48 years at the time of accident, future prospects are awarded @ 25%.

With respect to consortium as well, submission made by learned counsel for the appellants has force as merely spousal consortium has been awarded, and no parental consortium has been awarded. As there were two children of the deceased, parental consortium of Rs 88,000/- (Rs.44,000/- X 2) is awarded. As per **Pranay Sethi's** case (supra), appellants are also entitled for Rs.16,500/- each on account of funeral expenses as well as loss of estate, instead of Rs.15000/- as awarded by the Tribunal.

In view of what has been stated hereinabove, the appellants/claimants shall be entitled for the grant of following compensation:-

Sr.No.	***Nature***	***Amount in Rupees***
1.	*Annual Income of deceased*	*Rs.1,11,600/-*
2.	*Add 25% of Future prospects*	*Rs.27,900/-*
3	*Total Income (Rs. 1,11,600/- + Rs. 27,900)*	*Rs.1,39,500 /-*
5.	*Multiplier of 13 as per age of 48 years (Rs. 1,39,500 /- X 13)*	*Rs.18,13,500/-*
7.	*Funeral Expenses*	*Rs.16,500/-*
8.	*Loss of Consortium (Rs.44,000x2 + 40,000)*	*Rs.1,28,000/-*
9.	*Loss of Estate*	*Rs.16,500/-*
	Total Compensation	*Rs.19,74,500/-*
	Amount Awarded by the Tribunal	*Rs.5,38,000/-*
	Enhanced Amount	*Rs.14,36,000/-*

The grant of interest @ 6% per annum is not just in view of the facts and circumstances of the present case; rather as per the observations made by Hon'ble the Supreme Court in case of ***Smt. Supe Dei and others Vs. National Insurance Company Limited***

and other,(2009) (4) SCC 513 approved in a subsequent judgment in case titled as ***Puttamma and others Vs. K.L. Narayana Reddy and another***, 2014 (1) RCR (Civil) 443, interest is enhanced to 9% per annum on the amount of compensation awarded to the claimants from the date of institution of claim petition till its realization. Needless to mention here that the amount of compensation already paid to the claims shall be deducted from the enhanced compensation.

Disposed off in the above terms.

Pending miscellaneous application(s), if any, shall also stand disposed of.

December 21, 2022 **(HARKESH MANUJA)**
sanjay **JUDGE**

Whether speaking/reasoned	*Yes/No*
Whether Reportable	*Yes/No*