

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

305

FAO-2771-2002

Date of Decision: 13.09.2022

Bala Devi and others

---Appellants

versus

Subhash Chander @ Soni and others

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Mr. Sagar Aggarwal, Advocate for
Mr. Ashit Malik, Advocate
for the appellants.

None for respondents No.1 and 2.

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

JAGMOHAN BANSAL, J. (ORAL)

1. The appellants through instant appeal are seeking enhancement of compensation awarded vide award dated 14.02.2002 passed by Motor Accident Claims Tribunal, Karnal (for short 'Tribunal') whereby Learned Tribunal has awarded a sum of Rs.2,21,000/- along with interest @ 9% per annum from the date of filing of the claim petition.

2. Learned counsels appearing for both the parties contended that question of quantum of compensation stands settled by a five-Judge Bench of Hon'ble Supreme Court in **National**

Insurance Company vs. Pranay Sethi and others 2017 (16) SCC 680 and a three-Judge Bench of Hon'ble Supreme Court in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009 (6) SCC 121**. Both the counsels agreed that amount of compensation may be re-calculated in view of afore-stated judgments.

3. Learned counsel for the appellants submitted that learned Tribunal has considered income of deceased Rs.1800/- per month whereas minimum income should be Rs.2,000/- per month. In support of his contention, he relied upon a judgement of a Co-ordinate Bench of this Court in **Tota Ram and another vs. Jaipal Singh and others, FAO No.810 of 2001 decided on 03.11.2017**.

4. Learned counsel for the respondents did not dispute above-stated fact and accordingly, monthly income of deceased is assessed Rs.2,000/-. Learned Tribunal has not conceded future prospects and as per afore-stated judgments of Hon'ble Supreme court, the income of deceased needs to be enhanced by considering future prospects to the extent of 40% because age of deceased was 35 years. There are five dependants of deceased. Thus, 1/5th of assessed income is conceded as personal expenses.

5. Both the counsels conceded that under the heading 'loss of consortium', a sum of Rs.1.5 lakhs may be granted. The claimants are entitled to compensation under headings 'loss of estate' and 'funeral expenses'. In view of afore-stated judgements of Hon'ble

Supreme Court, compensation is re-determined as below :-

Particulars	Income (in Rs.)
Annual income of the deceased	24000
Future prospects	40%
Income after addition of future prospects	33600
Deduction on account of personal expenses	1/5 th
Assessed income	26880
Multiplier (16)	4,30,080
Loss of estate	16500
Loss of consortium	1,50,000
Funeral expenses	16500
Total	6,13,080

6. The appellants are entitled to interest at the rate as awarded by learned Tribunal. It is made clear that amount already paid would be deducted from claim determined hereinabove.
7. The respondent is directed to make payment within a period of eight weeks from today.
8. The appeal is disposed of in the above-stated terms.

(JAGMOHAN BANSAL)
JUDGE

13.09.2022
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Whether speaking/reasoned : Yes/No

Whether reportable : Yes/No