

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

314

FAO-1894-2003

Date of Decision: 08.09.2022

Baljinder Kaur and others

---Appellants

versus

Jaswinder Singh and another

---Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- None for the appellants.

Mr. Vipul Goel, Advocate for
Mr. Yogesh Goel, Advocate
for respondent No.1.

Mr. Ravinder Arora, Advocate
for respondent No.2-Insurance Company.

JAGMOHAN BANSAL, J. (ORAL)

1. The appellants through instant appeal are seeking enhancement of compensation awarded vide order dated 25.01.2003 passed by Motor Accident Claims Tribunal, Ludhiana (for short 'Tribunal') whereby Learned Tribunal has awarded a sum of Rs.5,40,400/- along with interest @ 9% per annum from the date of filing of the claim petition.

2. Learned counsels appearing for both the parties conceded 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 recalculated in view of afore-stated judgments.

3. There is no dispute with respect to annual income assessed by learned Tribunal. As there is no dispute qua annual income of deceased, the amount of compensation, in view of afore-stated judgements of Hon'ble Supreme Court is re-determined as below :-

Particulars	Amount of compensation
Annual income of the deceased	60000
Future prospects	25.00%
Income after addition of future prospects	75000
Deduction on account of personal expenses	1/4 th (18750)
Assessed income	56250
Multiplier (14)	7,87,500
Loss of estate	16500
Loss of consortium (44000X4)	1,76,000
Funeral expenses	16500
Total	9,97,500

4. The appellants are entitled to interest @ 7.5% from the date of filing of claim petition till the date of actual payment. It is made clear that amount already paid would be deducted from claim determined hereinabove.

5. The respondent is directed to make payment within a period of eight weeks from today.

6. The appeal is disposed of in the abovesaid terms.

(JAGMOHAN BANSAL)
JUDGE

08.09.2022
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No