

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

303

FAO-449-2000

Date of Decision: 06.09.2022

Rajni Thakur and others

..... Appellants

Versus

Neel Kaunth Rajput @ Narinder Kumar @ Budhu

..... Respondents

CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL

Present:- Ms. Ekta Thakur, Advocate
for the appellants.

Mr. Neeraj Khanna, Advocate for
Mr. Ravinder Arora, Advocate
for the Insurance Company.

JAGMOHAN BANSAL, J. (Oral)

1. The appellants through instant appeal are seeking modification of award dated 23.12.1999 passed by the Motor Accident Claims Tribunal, Chandigarh (for short 'Tribunal') and seeking enhancement of compensation awarded by Learned Tribunal. Learned Tribunal has awarded a sum of Rs. 4 lakhs along with interest @ 12 % per annum.

2. The brief facts emerging from appeal and arguments of both sides are that the deceased was working as Sub Inspector with Central Industrial Security Force. The deceased was drawing salary

of Rs.7,000/- per month. There is no dispute qua salary, multiplier, deduction and compensation under different heads.

3. Learned counsel for the parties are ad-idem that compensation should be calculated in terms of judgments of Hon'ble Supreme Court in **National Insurance Company vs. Pranay Sethi and others 2017 (16) SCC 680** and **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009 (6) SCC 121**.

4. Learned Tribunal has awarded compensation along with interest @ 12% per annum and both the parties agreed that as per judgments delivered by different Courts including Hon'ble Supreme Court, the rate of interest should be 7.5%.

5. In view of statement of both the parties, the judgments of Hon'ble Supreme Court in **Pranay Sethi's case (Supra)** and **Sarla Verma's case (Supra)**, the present appeal is partly allowed and the order passed by the Tribunal is modified as below :-

	Compensation awarded by Tribunal	Actual compensation
Occupation	Government employee	Government employee
Age	29 years	29 years
Actual income	Rs.7,000/-p.m.	Rs.7,000/-p.m.
Future prospects	Nil	50%=Rs.3500/- p.m.
Income after adding future prospects	Rs.7000/-	Rs.7,000/-+Rs.3500=Rs.10,500/-
Annual income	12x7000=Rs.84,000/-	12x10,500=Rs.1,26,000/-
Deduction	1/3 i.e. Rs.28000/-	1/3 i.e. Rs.42000/-
Loss of dependency	Rs.28000/-	Rs.84000
Multiplier	14	17

Compensation	2800x14=Rs.3,92,000/-	84000x17=Rs.14,28,000/-
Funeral expenses	Rs.2000/-	Rs.16,500/-
Loss of estate	Nil	Rs.16,500/-
Loss of consortium (parental)	Nil	Rs.44,000/-each Rs.88,000/-
Loss of consortium to wife	Rs.6,000/-	Rs.44,000/-
Total	Rs.4,00,000/-	Rs.15,93,000/-

6. 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.

7. The respondent No.3-Insurance Company is directed to make payment within a period of eight weeks from today.

(JAGMOHAN BANSAL)
JUDGE

06.09.2022
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Whether speaking/reasoned	Yes/No
<i>Whether Reportable</i>	<i>Yes/No</i>