

In the High Court of Punjab and Haryana, at Chandigarh

F.A.O. No. 3551 of 1999 (O&M)

Date of Decision: 01.06.2022

Smt. Kaushal Virmani and Others

... Appellant(s)

Versus

Daljit Singh and Others

... Respondent(s)

CORAM: Hon'ble Mr. Justice Anil Kshetarpal.

Present: Mr. Rajiv Sharma, Advocate
for the appellant(s).

Mr. Vinod Gupta and Mr. Mayank Gupta, Advocates
for the respondent No.3.

Mr. Deepak Suri, Advocate
for the respondent No.5.

Anil Kshetarpal, J.

1. The appellant/claimants pray for modification of the award dated 08.04.1999, passed by the Motor Accident Claims Tribunal, Karnal (hereinafter referred to as “the Tribunal”).

2. Late Sh. Subhash Chander Virmani, who was working as Superintending Engineer with the State of Haryana, aged about 48 years, 8 months and 18 days, died in an automobile accident on 11.05.1996. The dispute is with regard to the awarding of appropriate amount of compensation. He had left behind his widow and two daughters, apart from his aged mother. The Tribunal, after taking note of the income of the

expenses i.e. 1/3rd from the total amount of income. The Tribunal, thereafter, worked out the compensation at ₹10,65,520/-.

3. The learned counsel representing the appellants has drawn the attention of this Court to the office order issued by the Government of Haryana revising the pay scales w.e.f. 01.01.1996. In the office order, the pay of late Sh. Subhash Chander Virmani has been refixed at ₹14,250/- w.e.f. 01.01.1996, whereas w.e.f. 01.05.1996, it has been refixed at ₹14,300/-. He further contends that the Tribunal has erred in failing to multiply the dependency with appropriate multiplier. While relying upon the judgment of five Judges Bench in *National Insurance Co. Ltd. v. Pranay Sethi and Others 2017(10) SC 450*, he submits that income must have been increased under the head of future prospects by 30%. He further submits that all the four claimants should be awarded the loss of consortium (spousal and parental) @ ₹40,000/- each, apart from ₹30,000/- towards the funeral expenses and lost of estate.

4. The learned counsel representing the respondents does not dispute the correctness of the refixation of pay pursuant to the revision of the pay-scales by the State Government. But contends that this document is not produced on the record. Once the revision of pay-scales is not being disputed, it will not be appropriate for this Court to wait for the formal application for leading the additional evidence.

5. Keeping in view the aforesaid facts, the appeal is allowed. The amount of compensation is reworked as under:-

Sr. No.	Heads under which the amount awarded	Amount awarded by the Tribunal (In ₹)	Amount awarded by the High Court (In ₹)
A)	Monthly Income	11,030.00	14,300.00
B)	Future Prospects	NIL	4,290.00 (30% of the income assessed)
C)	Income Assessed after adding future prospects	NIL	18,590.00
D)	Deduction of the total income assessed	7,354.00 (11,030 – 3,700 i.e. 1/3rd of the monthly income)	12,394.00 (18,590 – 6,196 i.e. 1/3rd of the monthly income)
E)	Total dependency Assessed per month	7,330.00	12,394.00
F)	Annual dependency	87,960.00 (7,354 x 12)	1,48,728.00 (12,394 X 12)
G)	Amount assessed after applying Multiplier	10,55,520.00 (24,000 x 11)	19,33,464.00 (1,48,728 x 13)
H)	Funeral Expenses	10,000.00	15,000.00
I)	Loss of Estate	NIL	15,000.00
J)	Loss of Consortium to be awarded @ ₹40,000/- to all the three claimants.	Nil	1,20,000.00 (40,000x3)
K)	Total compensation awarded	10,65,520.00	20,83,464.00
L)	Amount of compensation enhanced by this Court	10,17,944 (20,83,464 – 10,65,520)	

6. The miscellaneous application(s) pending, if any, shall stand disposed of.

(Anil Kshetarpal)
Judge

June 01, 2022
“DK”

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