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

**FAO-2999-2006 (O&M)**

**Reserved on: 22.09.2022**

**Date of Decision: September 23,2022**

Smt. Anguri Devi and ors. …Appellants

Versus

Udayveer Singh and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE HARKESH MANUJA**

Present: Mr. Lalit Kumar, Advocate for the applicant/ appellants.
Mr. Rahul Chauhan, Advocate for respondent No.1.
Mr. Gaurav Jindal, Addl.A.G., Haryana.

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**HARKESH MANUJA, J.**

By way of present appeal, the appellants have challenged the award dated 06.12.2005 passed by learned Motor Accident Claims Tribunal, Bhiwani (for short 'Tribunal').

Brief facts leading to the present case are that on 07.08.2003, Ramesh Kumar, HC No.37 (deceased) was travelling in government vehicle bearing registration No.HR-24-F 0875 from District Jail, Sirsa towards City being driven by respondent No.1 in a rash and negligent manner. When the said vehicle reached near Power House, Barnala Road, Sirsa, respondent No.1 lost his control and dashed the vehicle against an electric pole, as a result of which, HC Ramesh Kumar and Constable Om Parkash sustained injuries and later HC Ramesh Kumar succumbed to his injuries.

The appellants being claimants and dependents upon the deceased filed claim petition before the learned Tribunal for grant of compensation to the tune of Rs.25 lacs. The appellants also pleaded rash and negligent driving of the vehicle in question by respondent No.1. In their two separate written statements filed at the instance of respondent No.1 as well as respondents No.2 & 3, the factum of rash and negligent driving by respondent No.1 was denied.

Learned Tribunal vide its impugned award dated 06.12.2005 allowed the claim petition and determined the amount of compensation to the tune of Rs.6,70,000/- to be payable to the claimants along with interest @ 7.5% from the date of filing of the claim petition till its realization. The learned Tribunal while determining the amount of compensation applied the multiplier of ‘11’ and based on the pay-certificate, salary of the deceased was taken to be Rs.7500/- per month. A deduction of 1/3$^{rd}$ was made towards the personal expenses of the deceased, besides awarding a sum of Rs.5000/- on account of loss of consortium and another sum of Rs.5000/- as funeral expenses.

By way of present appeal, the appellants are seeking enhancement of compensation.

Learned counsel for the appellants contends that in view of the law laid down by Hon’ble Supreme Court in ***National Insurance Company Ltd. Vs. Pranay Sethi and others*** 2017 (4) RCR (Civil) 1009 and ***Smt.Sarla Verma and others Vs. Delhi Transport Corporation and another***, 2009 (3) RCR (Civil) 77, the compensation awarded to the appellants needs to be enhanced on the following counts:-

i) As the age of the deceased was 43 years, multiplier of ‘14’ should have been applied in place of ‘11’;

ii) As the number of dependents are five, deduction on account to self-expenditure should have been 1/4$^{th}$, rather than 1/3rd;

iii) Considering the age of the deceased and he being a Government employee, future prospects @ 30% should have been awarded;

iv) Higher compensation should have been awarded under the conventional heads including consortium, loss of estate and funeral expenses.

On the other hand, learned counsel for respondents contends that the compensation awarded is on the higher side, and thus, the same does not warrant any interference.

Having heard learned counsel for both the parties and going through the paper-book as well as records of the case, I find force in the contentions raised on behalf of the claimants/appellants. In view of the judgment of Supreme Court in **Sarla Verma's** case (supra), considering the age of the deceased to be 43 years, multiplier of '14' should have been applied instead of '11' as applied by the learned tribunal. Further, as the number of dependents of the deceased were five, (mother, wife, one major and two minor children), deduction on account of self-expenditure of the deceased should have been 1/4th; rather than 1/3rd.

Besides this, with respect to the compensation awarded under the other conventional heads, applying the principles of law laid down by Hon'ble Supreme Court in ***Pranay Sethi's*** *case (supra)*, the claimants are entitled for Rs.16,500/- as compensation under the head of funeral expenses, loss of consortium (parental, spousal and filinial) is to be awarded to the tune of Rs.44,000/- x 5 (Rs.2,20,000/-) and

Rs.16,500/- towards loss of estate by applying 10% increase under the conventional heads.

As regards, the grant of future prospects is concerned, the deceased happened to be a government employee and as his age was 43 years, in view of the law laid down in ***Pranay Sethi's*** *case (supra)*, the same should have been awarded @ 30% of the annual income.

No other point has been raised.

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.7500 x 12)* | *Rs.90,000/-* |
| *2.* | *Add 30% of Future prospects* | *Rs.27,000/-* |
| *3.* | *Total Income (Rs.90,000/- + Rs.27,000)* | *Rs.1,17,000/-* |
| *4.* | *Deduction 1/4$^{th}$ (Rs.1,17,000/4)* | *Rs.29,250/-* |
| *5.* | *Multiplier of 14 as per age of 43 years (Rs.87,750 /- X 14)* | *Rs.12,28,500/-* |
| *6.* | *Funeral Expenses* | *Rs.16,500/-* |
| *7.* | *Loss of Consortium (Rs.44000x5)* | *Rs.2,20,000/-* |
| | *Loss of Estate* | *Rs.16,500/-* |
| | ***Total Compensation*** | *Rs.14,81,500/-* |
| | ***Amount Awarded by the Tribunal*** | *Rs.6,70,000/-* |
| | ***Enhanced Amount*** | *Rs.8,11,500/-* |

The grant of interest @ 7.5% per annum is not just in view of the facts and circumstances of the present case; rather as per the observations made by the Hon'ble Supreme Court in **Smt. Supe Dei and others Vs. National Insurance Company Limited and other**, (2009) (4) SCC 513 approved in a subsequent judgment titled as

**Puttamma and others Vs. K.L. Narayana Reddy and another**, 2014 (1) RCR (Civil) 443, the 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 applications, if any, stand disposed of.

**September 23, 2022** **( HARKESH MANUJA )**
sanjay **JUDGE**

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