

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

**FAO No.1266 of 2016  
Reserved on :-10.05.2022  
Date of Decision : 20.05.2022**

Paramjit Kaur and Others

....Appellants

VERSUS

Punit Kumar Monga and Others

....Respondents

**CORAM : HON'BLE MRS. JUSTICE ALKA SARIN**

Present : Mr. Vipul Sharma, Advocate  
Mr. Nitin Mittal, Advocate for the appellants

Mr. Vinod Gupta, Advocate for respondent no.3

**ALKA SARIN, J.**

This is a claimants appeal against the award dated 17.12.2015 passed by the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as the 'Tribunal') whereby the claimant-appellants have been awarded compensation of Rs.12,65,876/- along with interest @ 7.5% per annum from the date of filing the claim petition till realization on account of death of Mohinder Singh.

The brief facts relevant to the present case are that on 15.04.2015 Mohinder Singh (since deceased) was going from his Village Tamnouli, Tehsil Barara, District Ambala to Indian Oil, Ambala Cantt. for performing his duty on his Motorcycle bearing Registration No.HR-01-U-2296 at a moderate speed on the correct left hand side on berm of Jagadhri to Ambala Cantt Road. Mohinder Singh was being followed by Balwant Singh on a separate Aactiva Scooter. At about 8.30 pm, when Mohinder Singh reached within the area of Village Khudda Kalan, a Swift Car bearing

Registration No.PB-30-M-0435, driven rashly, negligently and in zig zag manner and in an uncontrollable speed by its driver i.e. respondent No.1, came from the opposite side i.e Ambala Cantt side. On seeing the said car coming in such a rash and negligent manners, Mohinder Singh slowed his Motorcycle and took it on the extreme left hand side of the road on the kacha berm but respondent No.1 while leaving entire 30-35 feet wide metalled road and without blowing any horn and without giving any indicators, after coming on the extreme wrong side on the kacha berm, hit against the Motorcycle of Mohinder Singh. As a result, Mohinder Singh fell on the roadside along with his Motorcycle and suffered multiple, simple and grievous injuries including head injury and the Motorcycle was also extensively damaged. Many persons gathered at the spot. Balwant Singh gave a telephonic message to the family members of Mohinder Singh and took him in an ambulance to Civil Hospital, Ambala Cantt. where he was given first aid by the doctors and referred to PGI Chandigarh. However, Mohinder Singh died on the way to PGI Chandigarh on account of injuries suffered by him.

The claimants preferred a claim petition claiming compensation of Rs.45,00,000/- on account of the death of Mohinder Singh. It was claimed that Mohinder Singh was working as a Security Guard with Proprietor of Shaash Security Services, Ambala Cantt. on a monthly salary of Rs.12,000/- as a permanent employee and that Mohinder Singh was retired from the Indian Army and was getting a pension of Rs.12,000/- per month. It was claimed that the income of Mohinder Singh was increasing year by year and after some time his income was to cross the figure of Rs.35,000/- per month and that all the claimants were solely dependent on the income of Mohinder

Singh and after his death there is no one in his family to earn, maintain and support the claimants. All the respondents appeared before the Tribunal and contested the claim petition.

On the basis of the pleadings of the parties and the evidence produced, the following compensation was awarded by the Tribunal :

| Sr. No. | Heads                                                     | Compensation Awarded        |
|---------|-----------------------------------------------------------|-----------------------------|
| 1       | Monthly Income of the deceased                            | Rs.11524/-                  |
| 2       | Annual income of the deceased                             | Rs.138288/- (11524x12)      |
| 3       | Annual income after ¼ deduction towards personal expenses | Rs.103716/- (138288-34572)  |
| 4       | Total income of the deceased                              | Rs.103716/-                 |
| 5       | Multiplier                                                | 11                          |
| 6       | Amount of compensation                                    | Rs.1140876/-<br>(103716x11) |
| 7       | Love & affection                                          | Rs.50000/-                  |
| 8       | Funeral expenses                                          | Rs.25000/-                  |
| 9       | Loss of consortium (spousal)                              | Rs.50,000/-                 |
| 10      | Grand Total                                               | Rs.1265876/-                |

The Tribunal awarded interest @ 7.5% per annum from the date of filing of this claim petition till the date of actual payment. The awarded

compensation amount along with interest was ordered to be payable jointly and severally by respondent No.1 (driver) and respondent No.2 (owner) and respondent No.3 (insurance company) was ordered to indemnify the insured.

The learned counsel for the claimant-appellants has raised two short submissions for enhancement of the compensation awarded. He contended that no amount has been awarded towards Parental Consortium as per the judgment of the Supreme Court in the case of **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [2018(18) SCC 130]**. He has further relied upon judgment by Hon'ble Supreme Court in **N. Jayasree & Ors. vs. Cholamandalam MS General Insurance Company Ltd. [2021(4) RCR (Civil) 642]** to contend that the claimants would be entitled to a 10% increase on the amounts under the conventional heads as laid down in the case of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 Supreme Court Cases 680]**. The second submission is qua the non-grant of future prospects.

*Per contra*, learned counsel appearing on behalf of the respondent No.3 (insurance company) has stated that the compensation awarded by the Tribunal is sufficient and there is no scope for further enhancement.

I have heard learned counsel for the parties.

In the present case the deceased was 54-55 years of age. As per the law laid down in the case of **Magma General Insurance Company Ltd. (supra)** no amount has been awarded towards Parental Consortium. Further, as per the law laid down in **Pranay Sethi's case (supra)**, which is reiterated in **N. Jayasree's case (supra)**, the claimants would also be entitled to 10% increase under the conventional heads. The claimants would also be

entitled to 15% addition towards future prospects in view of the law laid down in **Pranay Sethi’s** case (*supra*).

In view of the above, the following compensation is allowed to the claimants :

| Sr. No. | Heads                                                                          | Compensation Awarded       |
|---------|--------------------------------------------------------------------------------|----------------------------|
| 1       | Monthly Income of the deceased                                                 | Rs.11524/-                 |
| 2       | Annual income of the deceased                                                  | Rs.138288/- (11524x12)     |
| 3       | Annual income after ¼ deduction towards personal expenses                      | Rs.103716/- (138288-34572) |
| 4       | Addition of 15% of Rs.103716/- on account of future prospects                  | Rs.15557/-                 |
| 5       | Total income of the deceased                                                   | Rs.119273/- (103716+15557) |
| 6       | Multiplier                                                                     | 11                         |
| 7       | Amount of compensation                                                         | Rs.1312003/- (119273x11)   |
| 8       | Loss of estate                                                                 | Rs.16500/-                 |
| 9       | Funeral expenses                                                               | Rs.16500/-                 |
| 10      | Loss of consortium<br>Spousal : Rs.44000/-<br>Parental : Rs.132000/- (44000x3) | Rs.176000/-                |
| 11      | Grand Total                                                                    | Rs.1521003/-               |

The amount in excess over what has already been awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of the award till the realization of the entire amount.

Since all the claimant-appellants are majors, the entire amount of compensation as now increased by this Court shall be apportioned

between the claimant-appellants in equal shares and shall be released to them for utilization. The Tribunal had in its award dated 17.12.2015 ordered the share of compensation of claimant-appellant Nos.2 to 4 to be deposited in any nationalized bank in the shape of FDR and to be paid to them at the time of their marriage. This condition is modified and it is ordered that any FDR still lying in any nationalized bank be released in favour of the respective claimant-appellant.

In view of the above discussion, the above-captioned appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

**( ALKA SARIN )**  
**JUDGE**

**20.05.2022**  
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NOTE : Whether speaking/non-speaking : Speaking  
Whether reportable : YES/NO