

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

477

FAO-2649-2015 (O&M)  
Date of Decision: 23.09.2022

Amarjit Kaur and others

---Appellants

versus

Sukhchain Singh and another

---Respondents

**CORAM: HON'BLE MR. JUSTICE JAGMOHAN BANSAL**

Present:- Mr.Vivek Suri, Advocate  
for the appellants.

Mr. Sanjeev Kodan, Advocate  
for the Insurance Company.

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**JAGMOHAN BANSAL, J. (ORAL)**

1. The appellants through instant appeal are seeking enhancement of compensation awarded vide award dated 15.01.2015 passed by Motor Accident Claims Tribunal, Patiala (for short 'Tribunal') whereby Tribunal has awarded a sum of Rs.12,45,000/- along with interest @ 6 % per annum from the date of filing of the claim petition.

2. The facts emerging from record and necessary for the adjudication of present appeal are that Amarjit Singh @ Jeeta, a 30 years old boy, who was earning Rs.7500/- per month, met with an accident on 23.01.2012 while riding on motorcycle bearing registration No.PB-07-F-5381 and died on the same day and his

legal representatives filed a petition under Section 166 of the Motor Vehicles Act, 1988 seeking compensation on account of death of Amarjit Singh @ Jeeta. The Tribunal held driver of truck bearing registration No.HR-55-A-2860 responsible for the accident and awarded compensation of Rs.12,45,000/- on account of death of Amarjit Singh @ Jeeta.

3. Learned counsel for the appellants submitted that amount of compensation may be re-determined in the light of judgement of 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 judgment of Hon'ble Supreme Court in **Smt. Sarla Verma and others vs. Delhi Transport Corporation and another 2009 (6) SCC 121**. He pointed out that no income on account of future prospects has been calculated. Deduction on account of personal expenses has been made to the extent of 1/3<sup>rd</sup> whereas it should be 1/4<sup>th</sup>. The interest has been awarded @ 6% whereas it should be 7.5%. No compensation has been awarded under conventional heads. He prayed that there are five dependants of deceased, thus, a sum of Rs. 2 lakhs may be granted as consortium.

4. Learned counsel for the insurer conceded that amount of compensation should be re-determined in view of afore-cited judgments of Hon'ble Supreme Court.

5. I have perused the record and heard arguments of both sides.

6. There is no dispute qua age and income of the deceased, thus, amount of compensation needs to be re-determined in the light of judgements of Hon'ble Supreme Court in **Pranay Sethi's case (supra)** and **Smt. Sarla Verma's case (supra)**. As both the parties are ad-idem that compensation without disturbing income of the deceased may be re-determined in view of the afore-cited judgements. The amount of compensation is re-determined as below:-

| Particulars                               | Amount of compensation (in Rs.) |
|-------------------------------------------|---------------------------------|
| Annual income of the deceased             | 90000                           |
| Future prospects                          | 40.00%                          |
| Income after addition of future prospects | 126000                          |
| Deduction on account of personal expenses | 1/4 <sup>th</sup>               |
| Assessed income                           | 94500                           |
| Multiplier (17)                           | 16,06,500                       |
| Loss of estate                            | 15000                           |
| Loss of consortium                        | 2,00,000                        |
| Funeral expenses                          | 15000                           |
| Total                                     | 18,36,500                       |

7. The appellants are entitled to interest @ 7.5% on enhanced amount 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.

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

9. The appeal is disposed of in the above-stated terms.

(JAGMOHAN BANSAL)  
JUDGE

23.09.2022  
anju

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