

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

236

FAO-8714-2014

Date of decision: 28.07.2022

Nirmala and others

.....Appellants

Versus

Rishi Pal and others

.....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Anil Kumar Gahlawat, Advocate
for the appellants.

Mr. Ajay Kumar Chandog, Advocate
for respondents No.1 and 2.

Mr. Puneet Jain, Advocate
for respondent No.3-insurance company.

MANJARI NEHRU KAUL, J. (ORAL)

The claimants are in appeal against the award dated 07.10.2013 passed by learned Motor Accidents Claims Tribunal, Sonipat (for short, 'the Tribunal') wherein they were awarded the following compensation on account of death of Brahm Singh in a Motor Vehicular Accident which took place on 30.10.2012:-

Sr. No.	Head	Amount
1.	Monthly Income	Rs.6,000/-
2.	Deductions towards personal expenses (1/5th)	Rs.1,200/-
3.	Monthly dependency of the claimants	Rs.4,800/-
4.	Annual dependency	Rs.57,600/-
5.	Compensation after applying multiplier of '15'	Rs.8,64,000/-
6.	Loss of consortium	Rs.1,00,000/-
7.	Funeral expenses	Rs.25,000/-
	Total compensation	Rs.9,89,000/-

Respondents No.1 to 3 were held jointly and severally liable to pay the compensation amount along with interest @ 7.5% per annum from the date of filing of the claim petition till final realization. Out of the total compensation amount, claimant No.1 being widow of the deceased was held entitled to receive amount of compensation of Rs.5,39,000/- while claimants No.2 to 7 being minor children of the deceased were held entitled to receive the amount of Rs.75,000/- each.

Learned counsel for the claimants has primarily impugned the award on the ground that the deceased was 36 years of age, however, the Tribunal had not awarded any compensation with respect to the future prospects which in the instant case should have been to the extent of 40%. A prayer has, therefore, been made to reassess and modify the impugned award accordingly.

Learned counsel for the respondents while opposing the prayer and submissions made by the counsel opposite, have very fairly conceded that the claimants/appellants were indeed entitled to 40% towards future prospects which had not been considered while awarding the compensation by the Tribunal.

I have heard learned counsel for the parties and perused the material placed on record.

As per the ratio of law laid down in *National Insurance Co. Vs. Pranay Sethi : 2017 SCC 270*, the claimants are entitled to 40% towards future prospects. Further, the Hon'ble Supreme Court in *Pranay Sethi's case (supra)* has quantified the amount in the sum of Rs.15,000/- each for loss of estate and funeral expenses in addition to Rs.40,000/- each for loss of consortium. Still further, it has been held

by the Hon'ble Supreme Court that the aforesaid amounts would be subject to 10% enhancement after every three years. Therefore, the claimants would be entitled to 10% enhancement *qua* the above-mentioned conventional heads as per the ratio laid down in *Pranay Sethi's case (supra)*. Hence, the amount of compensation under the conventional heads stands modified to Rs. 16,500/- each for loss of estate and funeral expenses. Besides this, the claimants, who are widow and minor children of the deceased, are entitled to Rs.44,000/- each, for loss of spousal and parental consortium respectively.

The compensation thus payable to the claimants would be as follows:-

Sr. No.	Head	Amount
1.	Monthly Income	Rs.6,000/-
2.	Annual Income	Rs.6,000/- x 12 = Rs.72,000/-
3.	Future prospects (40%)	Rs.28,800/-
4.	Total annual income	Rs.1,00,800/-
5.	Deductions towards personal expenses (1/5th)	Rs.20,160/-
6.	Loss of annual future earnings	Rs.1,00,800/- (-) Rs.20,160/- = Rs.80,640/-
7.	Multiplier	15
8.	Loss of future earnings	Rs.80,640/- x 15 = 12,09,600/-
9.	Loss of consortium (spousal and parental)	Rs.44,000/- x 7 = Rs.3,08,000/-
10.	Funeral expenses	Rs.16,500/-
11.	Loss of estate	Rs.16,500/-
	Total compensation	Rs.15,50,600/-

The claimants are, therefore, held entitled to a total sum of Rs.15,50,600/- as compensation along with interest @ 7.5% per annum from the date of filing of claim petition till its actual realization, which

shall be paid by respondents No.1 to 3 jointly and severally and would be apportioned to the claimants in the same ratio as directed by learned Tribunal.

With these modifications, the present appeal stands disposed of in the above terms.

28.07.2022

Vinay

(MANJARI NEHRU KAUL)
JUDGE

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