219 IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-9716-2014(O&M)
Date of decision: 08.07.2022

United India Insurance Company Ltd.
....Appellant

Versus

Guddi and others
..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Vikas Mohan Gupta and
Mr. Varun Mittal, Advocates for the appellant

None for the respondents

ANIL KSHETARPAL, J (Oral)

Though learned counsel representing the claimants is not present, however, keeping in view the limited assertions made by the learned counsel representing the appellant, this Court has considered it appropriate to proceed with the hearing of the appeal.

The Insurance Company assails the correctness of the award passed by the Motor Accident Claims Tribunal, Panchkula, (hereinafter referred to as 'the Tribunal') while assessing compensation of Rs.16,53,696/- alongwith interest at the rate of 7.5% payable to the claimants. The amount of compensation has been tabulated in the following manner:-

Sr.No	Head	Amount (Rs.)
1.	Salary of the deceased at minimum wages	6,250
2.	Addition of 50% for future prospects	3,125
3.	Total salary	9,375
4.	Deduction @ 1/4	2,344

5.	Loss of dependency	7,031
6.	Annual loss of income	84,372
7.	Multiplier (18)	15,18,696
8.	Loss of consortium	1,00,000
9.	Funeral Expenses	25,000
10.	Loss of love and protection	10,000
	Total	16,53,696

Learned counsel representing the appellant contends that addition of 50% on account of increase in the income due to future prospects is not correct. He submits that it has to be 40% in view of the Supreme Court judgment passed by the Five Judges Bench in **National Insurance Company Ltd. Pranay Sethi and others 2017 SCC 1270.** It has been noticed that late Sh.Pritam lost his precious life in an automobile accident on 13.03.2013. As per the finding arrived at by the Tribunal, he was working as a labourer.

The Supreme Court has held that unless the deceased had a permanent job, the increase in income on account of future prospects has to be 40 % in case the deceased was below 40 years. Hence, the future increase in the income of the deceased is assessed at 40%

However, the Tribunal has assessed the amount on account of loss of consortium at Rs.1,00,000/-. It has been noticed that the deceased has left behind aged parents, widow and a minor child. Hence, they are entitled to parental, spousal and filal consortium of Rs.40,000/- each. Accordingly, the amount of loss of consortium is enhanced to Rs.1,60,000/-.

Keeping in view the aforesaid facts, the award passed by the Tribunal is modified and the award is recalculated as under:-

Sr.No	Head	Amount (Rs.)
1.	Salary of the deceased at minimum wages	6,250
2.	Addition of 40% for future prospects	2,500
3.	Total salary	8,750
4.	Deduction @ 1/4	2,188
5.	Loss of dependency	6,562
6.	Annual loss of income	78,744
7.	Multiplier (18)	14,17,392
8.	Loss of consortium 40,000 x 4	1,60,000
9.	Funeral Expenses and loss of estate	15,000+15,000= 30,000
10.	Loss of love and protection	10,000
	Total	16,17,392

Disposed of.

All the pending miscellaneous applications, if any, are also disposed of.

08.07.2022 **(ANIL KSHETARPAL)**
rekha **JUDGE**
Whether speaking/reasoned : Yes/No
Whether reportable : Yes/No