IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-860-2015
Date of Decision : 24.08.2022

Sangeeta Devi and others ...... Appellants

Versus

Amreshwar and others ...... Respondents

CORAM : HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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Present : Mr. Sandeep Verma, Advocate for the appellants.

Mr. Gaurav Arora, Advocate
for Mr. Sachin Mittal, Advocate
for respondent No.2.

Ms. Rajni Rohilla, Advocate
for Mr. Sanjeev Goyal, Advocate for respondent No.3.

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MANJARI NEHRU KAUL, J(ORAL)

Claimants are in appeal before this Court to impugn the following compensation awarded to them on account of the death of Sanjay Singh, who died in a motor vehicular accident on 07.10.2009:-

1.	Monthly Income	Rs.8152/-
2.	Annual Income	Rs.97,824/-
3.	Deduction towards personal expenses	2/3rd
4.	Annual dependency	Rs.65,216/-
5.	Multiplier	16
6.	Loss of dependency	Rs.10,43,456/-
7.	Loss of consortium	Rs.5,000/-
8.	Loss of love and affection	Rs.5,000/-
9.	Funeral expenses	Rs.5,000/-
10.	Loss of estate	Rs.5,000/-
11.	Total compensation	Rs.10,63,456/-

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The claimants, who are the widow and children of Sanjay Singh have primarily sought enhancement of compensation awarded to them on the ground that the monthly income of the deceased assessed as Rs.8152/- by the Tribunal is on the lower side and thus deserved to be re-assessed and modified.

Learned counsel for the appellants-claimants have submitted that the Tribunal failed to take into account that the deceased was not only running a photo studio but was also running a STD/PCO booth. His total monthly income was Rs.25,000/-. It was further submitted that the Tribunal had failed to grant compensation qua future prospects to the extent of 40% as the deceased Sanjay Singh was admittedly 34 years of age on the date of his death. It was submitted that even under the other conventional heads, the compensation awarded was meagre and not in consonance with the settled law in ***National Insurance Co. Vs. Pranay Sethi : 2017 SCC 270 .***

Per contra, learned counsel appearing for the respondent-Insurance Company while opposing the prayer and submissions made by the counsel for the appellants-claimants, submitted that the monthly income of the deceased assessed by the Tribunal as Rs.8152/- did not warrant any interference. It was submitted that the deceased had been treated as a skilled worker and as per the minimum wages notified by the State Government for the relevant period, the monthly income had been rightly assessed. Learned counsel for the respondent-Insurance Company, however, was unable to controvert that the claimants were indeed entitled to be compensated to the extent of 40% qua future prosepects and even under the conventional heads, the compensation required to be re-assessed and modified.

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Heard learned counsel and perused the relevant material on record.

This Court has no hesitation in observing that the amount of compensation deserves to be enhanced as per settled law. The claimants are entitled to an addition of 40% to the income of deceased towards future prospects.

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/- for loss of consortium. Still further, it has also been held that the aforesaid amount would be further subject to 10% enhancement after every three years. Therefore, the appellants would be entitled to 10% enhancement with respect to the compensation under the conventional heads. Hence, the amount of compensation under the conventional heads stands modified to Rs.16,500/- each for loss of estate and funeral expenses. In the present case the widow and two minor children and respondent No.4-father of the deceased would also be entitled to loss of spousal, parental and filial consortium respectively in the sum of Rs.44,000/- each. As far as monthly income of the deceased is concerned, the Tribunal has rightly taken it as Rs.8152/- per month, therefore, it does not warrant any modification.

Resultantly, the compensation awarded by the Tribunal is reassessed as follows:-

1.	Monthly Income	Rs.8152/-
2.	Annual Income	Rs.97,824/-
3.	Future prospects (40%)	Rs.39,130/-
4.	Total annual income including future prospects	Rs.97,824/-+ Rs.39,130/- = Rs.1,36,954/-

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5.	Deduction towards personal expenses (1/4th)	Rs.34,238/-
6.	Annual dependency	Rs.1,36,954/- - Rs.34,238/- = Rs.1,02,716/-
7.	Multiplier	16
8.	Loss of dependency	Rs.16,43,456/-
9.	Loss of consortium (spousal, parental and filial)	Rs.44,000/-x 4 = Rs.1,76,000/-
10.	Funeral expenses	Rs.16,500/-
11.	Loss of estate	Rs.16,500/-
12.	Total compensation	Rs.18,52,456/-

With the above modifications, the instant appeal stands disposed of in the same terms and ratio as directed by the Tribunal.

(MANJARI NEHRU KAUL)
JUDGE

24.08.2022
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Whether speaking/reasoned Yes/No
Whether Reportable Yes/No

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