

FAO No.8722 of 2015 (O&M)

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

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**FAO No.8722 of 2015 (O&M)
Date of Decision : 23.03.2022**

Karamjit Kaur and Others

...Appellants

versus

Jaswinder Singh & Others

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Ravinder Arora, Advocate for the appellants.

Mr. Punit Jain, Advocate
for respondent No.3-Insurance Company.

ALKA SARIN, J. (Oral)

This is a claimants' appeal filed against the award dated 13.01.2015 challenging the amount of compensation awarded by the Motor Accident Claims Tribunal, FTC, Ropar (for short, the 'Tribunal') inter-alia on the ground that the notional wages of the deceased has wrongly been taken as Rs.6,000/- per month while as per the office of the Labour Commissioner, Punjab the wages as on 01.03.2014 were Rs.6468/- per month for an unskilled labourer.

2. As the only issue raised by the appellants relates to the quantum of compensation, facts of the case are not being reproduced for the sake of brevity.

3. Learned counsel for the appellants would contend that no amount has been awarded towards future prospects and further no parental consortium has been awarded as per the law laid down by the Supreme Court in **National Insurance Co. Ltd. Vs. Pranay Sethi & Ors. [2017(16)**

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SCC 680] and **Magma General Insurance Co. Ltd Vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]**. Learned counsel has further contended even the amount under the conventional heads are also on the lower side. Learned counsel has further relied upon the judgment in **N. Jayasree & Ors. vs. Chola mandalam 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 **Pranay Sethi (supra)**.

4. Per contra, learned counsel for respondent No.3-Insurance Company has vehemently contended that the amount awarded is just and proper and there is no scope for further enhancement.

5. The Tribunal has awarded the following compensation :

Income Per Month	₹6,000/-
Annual Income	₹72,000/- (₹6000 x 12)
Income after 1/3 rd deduction towards personal expenses	₹48,000/- (₹72000 - ₹24000)
Multiplier of 13 (46 years of age)	₹6,24,000/- (₹48000 x 13)
Loss of consortium to widow	₹1,00,000 /-
Funeral Expenses	₹20,000/-
Expenses towards Ambulance service	₹39,300/-
Total Compensation	₹7,83,300/-

6. I have heard the learned counsel for the parties.

7. In the present case, a perusal of the impugned award reveals that income of the deceased has been calculated as per the minimum wages. A copy of the notification produced by the learned counsel for the appellants at the time of hearing clearly reveals that the monthly wage of an unskilled labourer as on 01.03.2014 was Rs.6467.67, rounded-up to Rs.6468/-. A

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perusal of the impugned award further reveals that no amount has been granted towards the future prospects and the amount awarded under the conventional heads is also not in consonance with the law laid down by the Supreme Court in the cases of **Pranay Sethi** (*supra*), **Magma General Insurance Co. Ltd.** (*supra*) and **N. Jayasree** (*supra*).

8. In view of the above, taking the minimum wage of the deceased as Rs.6468/- per month, the compensation is re-worked is as under :

Income per month (minimum wages)	₹6,468/-
Annual Income	₹77,616/- (₹6468 x 12)
Income after 1/3 rd deduction towards personal expenses	₹51,744/- (₹77616 - ₹25872)
Future Prospects (@25%)	₹64,680/- (₹51744 + ₹12936)
Multiplier of 13	₹8,40,840/- (₹64680 x 13)
Loss of Estate	₹16,500/-
Funeral Expenses	₹16,500/-
Loss of Consortium : Spousal Parental	₹44,000/- ₹88,000/-
Ambulance Service	₹39,300/-
Total Compensation	₹10,45,140/-

9. The excess amount over and above the amount awarded by the Tribunal shall carry interest @ 6% from the date of filing of the claim petition till the date of realization.

10. In view of the above the appeal is allowed and the award passed by the Tribunal stands modified accordingly.

March 23, 2022
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(ALKA SARIN)
JUDGE

Whether speaking/reasoned : Yes/No
Whether Reportable : Yes/No