

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO No.4686 of 2018 (O&M)
Date of decision: 22nd November, 2022

Sunderwati & others
... Appellants
Versus
Lalit & others
... Respondents

CORAM: HON’BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present: Mr. B.S. Tewatia, Advocate for the appellants.
Service of respondents No.1 and 2 – dispensed with.
Mr. Lalit Garg, Advocate for respondent No.3.

MANJARI NEHRU KAUL, J.

Claimants are in appeal against the Award dated 22.03.2018 passed by the learned Motor Accident Claims Tribunal, Palwal wherein the following compensation was awarded to them on account of the death of Babu Ram, aged 56 years, in a motor vehicular accident which took place on 14.05.2017:-

Sr. No.	Head	Amount
1.	Monthly income	₹ 10,000/-
2.	Future prospects @ 10%	₹ 1,000/-
3.	Deduction towards personal expenses @ 1/3	₹ 3,667/-
4.	Monthly income for calculating dependency	₹ 7,333/-
5.	Total dependency (₹ 7,333 x 12 = 87,996) (Rounded off to ₹ 88,000/-)	₹ 88,000/-
6.	Multiplier	9
7.	Total amount	₹ 7,92,000/-
8.	Transportation and funeral expenses	₹ 15,000/-

9.	Loss of estate	₹ 15,000/-
10.	Loss of consortium	₹ 40,000/-
	Total compensation	₹ 8,62,000/-

Learned counsel for the claimant/appellants argues that the compensation awarded to the claimants under the conventional heads was inadequate and not in consonance with the settled ratio of law as laid down in **‘Sarla Verma & others v. Delhi Transport Corporation & another’ 2009(6) SCC 121**; and **‘Magma General Insurance Co. Ltd. vs. Nanu Ram @ Chuhru Ram & others’ 2018(4) RCR (Civil) 333**, and still further, the appellant/claimants No.2 and 3 i.e. sons of the deceased, had not even been awarded any compensation for loss of parental consortium. Learned counsel has further submitted that the claimants had spent ₹ 1.00 lac on transportation and last rites of the deceased but the Tribunal had awarded only ₹ 15,000/- for the same, which was on the lower side and hence, liable to be enhanced.

Per contra, learned counsel for the respondent Insurance Company opposed the prayer and submissions made by the counsel opposite. Learned counsel argues that no evidence had been led by the claimants qua the income of the deceased, however, still the Tribunal had assessed the monthly income of the deceased @ ₹ 10,000/- per month which was on the higher side and liable to be reduced. It was urged that the compensation for funeral expenses had been rightly awarded as per settled law by the Tribunal. However, learned counsel

representing the Insurance Company has not been able to controvert that as per the ratio of law laid down in ‘**National Insurance Co. vs. Pranay Sethi**’ 2017 SCC 270, sons of the deceased i.e. appellants No.2 and 3 are entitled to be compensated for loss of parental consortium in the sum of ₹ 40,000/- each.

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

This Court does not find any merit in the submissions made by the learned counsel for the Insurance Company that the monthly income of the deceased assessed in the sum of ₹ 10,000/- warrants any interference. Further, sons of the deceased are entitled to be compensated for loss of parental consortium in the sum of ₹ 40,000/- each as per the settled ratio of law laid down in ‘**National Insurance Co. vs. Pranay Sethi**’ (supra). Still further, Hon’ble the Supreme Court has also held that the claimants would be entitled to 10% enhancement after every three years qua loss of estate, funeral expenses and loss of parental consortium.

As a sequel to the above, the compensation awarded by the Tribunal is reassessed as under:

Sr. No.	Head	Amount
1.	Monthly income	₹ 10,000/-
2.	Future prospects @ 10 %	₹ 1,000/-
3.	Deduction towards personal expenses @ 1/3	₹ 3,667/-
4.	Dependency	₹ 7,333/-
5.	Total dependency (₹ 7,333 x 12 = 87,996) (Rounded off to ₹ 88,000/-)	₹ 88,000/-

6.	Multiplier	9
7.	Total amount	₹ 7,92,000/-
8.	Transportation and funeral expenses	₹ 16,500/-
9.	Loss of estate	₹ 16,500/-
10.	Loss of consortium (44,000 x 3)	₹ 1,32,000/-
	Total compensation	₹ 9,57,000/-

The claimant/appellants are therefore entitled to a total compensation of ₹ 9,57,000/- along with interest @ 7.5% per annum, as awarded by the learned Tribunal, from the date of filing of the claim petition till realization of the amount which would be disbursed in the same ratio as directed by the learned Tribunal.

With these modifications, the instant appeal stands disposed of.

(MANJARI NEHRU KAUL)
JUDGE

November 22, 2022
rps

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