IN THE HIGH COURT OF PUNJAB & HARYANA AT CHANDIGARH

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FAO-480-2018 (O&M)
Date of decision: 01.12.2022

Harpal Singh and others .....Appellants

Versus

Paramjit Singh and others .....Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

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

Brig. B.S. Taunque, Advocate
for respondent No.3-insurance company.

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MANJARI NEHRU KAUL, J. (ORAL)

The present appeal has been filed by the claimants to impugn the award dated 13.10.2017 passed by learned Motor Accidents Claims Tribunal, Rupnagar (for short, 'the Tribunal') vide which the following compensation was awarded to them on account of death of Parminder Singh (hereinafter referred to as 'the deceased') in a motor vehicular accident which took place on 09.05.2016:-

Sr. No.	Head	Amount
1.	Monthly Income	Rs.9,000/-
2.	Annual Income	Rs.1,08,000/-
3.	Income after deducing personal expenses (50%)	Rs.54,000/-
4.	Loss of dependency after applying multiplier of '17'	Rs.9,18,000/-
5.	Funeral expenses	Rs.25,000/-
6.	Medical Bills	Rs.74,540/-
	Total compensation	Rs.10,17,540/-

Learned counsel for the appellants/claimants submits that the impugned compensation was inadequate and not in consonance with the settled ratio of law as laid down in ***Sarla Verma & Ors. Vs. Delhi Transport Corporation & Anr. : (2009) 6 SCC 121***; ***Magma General Insurance Co. Ltd. Vs. Nanu Ram alias Chuhru Ram and others, 2018(4) RCR (Civil) 333*** and ***National Insurance Co. Vs. Pranay Sethi : 2017 SCC 270*** coupled with the fact that the Tribunal had erred in wrongly assessing the monthly income of the deceased in the sum of Rs.9,000/- even though there was sufficient material on record from which it could be safely inferred that the deceased was earning minimum Rs.45,000/- per month from his transport business. Learned counsel further submits that the Tribunal gravely erred by not making any addition towards future prospects to the income of the deceased while assessing the amount of compensation. Learned counsel has also urged that since the appellants No.1 and 2 and appellant No.3 were parents and younger brother of the deceased they were entitled to be compensated for loss of filial consortium as well which too had not been granted vide the impugned award.

Per contra, learned counsel appearing for the insurance company has strongly opposed the submissions and prayer made by the counsel opposite by submitting that the Tribunal had rightly assessed the income of the deceased in the sum of Rs.9,000/- per month as no evidence was led by the claimants in support of their claim that the deceased was running a transport business. It was also submitted that had the deceased been running a transport business and earning more than Rs.45,000/- per month as claimed by the appellants, he would have been an income tax assessee, however, it was the admitted case of PW 1

Harpal Singh, appellant/claimant No.1 (father of the deceased) that his son was not an income tax assessee. It was still further submitted that in fact the compensation awarded for funeral expenses and medical bills was not in consonance with the settled law and was exorbitant. A prayer was, therefore, made by the counsel for the insurance company for dismissal of the instant appeal.

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

This Court does not find any merit in the submissions made by the counsel for the appellants that the income of the deceased should have been assessed at Rs.45,000/- per month, if not more, as the deceased was running a transport business. No evidence much less in the shape of any bank deposits or income tax returns was led by the claimants in support of their case that the deceased was earning in excess of Rs.45,000/- per month. Hence, the monthly income assessed at Rs.9,000/- by the Tribunal does not warrant any interference and stands affirmed. However, this Court finds force in submissions made by learned counsel for the appellants that the Tribunal erred in not making any addition towards future prospects. The deceased was 27 years old on the date of accident, hence, the Tribunal ought to have added 40% towards future prospects while assessing the amount of compensation.

Further the claimants would also be entitled to Rs.40,000/- each for loss of consortium, as has been rightly prayed by learned counsel for the appellants.

This Court concurs with the submissions made by the counsel for the insurance company that the compensation awarded for funeral expenses is contrary to the settled law as 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.

Still further, it has been held by the Hon'ble Supreme Court in ***Pranay Sethi's case*** *(supra)* that the amount of compensation under the conventional heads would be subject to 10% enhancement after every three years. Hence, the amount of compensation qua loss of estate and funeral expenses stands modified to Rs.16,500/- each. Besides this, the claimants, who are parents and younger brother of the deceased, are also entitled to Rs.44,000/- each, for loss of filial consortium.

This Court, therefore, deems it fit to reassess and modify the amount of compensation payable to the claimants as follows:-

Sr. No.	Head	Amount
1.	Monthly Income	Rs.9,000/-
2.	Annual Income	Rs.9,000/- x 12 = Rs.1,08,000/-
3.	Future prospects (40%)	Rs.1,08,000/- x 40% = Rs.43,200/-
4.	Total annual income	Rs.1,08,000/- + Rs.43,200/- = Rs.1,51,200/-
5.	Deductions towards personal expenses (½)	Rs.1,51,200/- (/) 2 = Rs.75,600/-
6.	Loss of annual future earnings	Rs.1,51,200/- (-) Rs.75,600/- = Rs.75,600/-
7.	Multiplier	17
8.	Loss of future earnings	Rs.75,600/- x 17 = Rs.12,85,200/-
9.	Loss of consortium	Rs.44,000/- x 3 = Rs.1,32,000/-
10.	Funeral expenses	Rs.16,500/-
11.	Loss of estate	Rs.16,500/
12.	Medical Bills	Rs.74,540/-
	Total compensation	Rs.15,24,740/-

The claimants are, therefore, held entitled to a total sum of

Rs.15,24,740/- as compensation along with interest @ 9% per annum from the date of filing of claim petition till its actual realization, which shall be paid by all the respondents 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.

01.12.2022 **(MANJARI NEHRU KAUL)**
Vinay **JUDGE**

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