

IN THE HIGH COURT OF PUNJAB & HARYANA, CHANDIGARH
Sr. No.: 274

FAO No.5245 of 2018 (O & M)
Date of Decision: *September 29, 2022*

Smt. Santra & others

..... APPELLANT(S)

VERSUS

Parveen & others

..... RESPONDENT(S)

. . .

CORAM: **HON'BLE MR. JUSTICE TRIBHUVAN DAHIYA**

. . .

PRESENT: - Mr. R.K. Chaudhary, Advocate, for Mr. S.K. Kashyap,
Advocate, for the appellants.

Mr. Lalit Garg, Advocate, for respondent No.3.

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Tribhuvan Dahiya, J (Oral)

Delay condoned.

2. This appeal has been filed by the appellants-claimants seeking enhancement of compensation by modification of the award passed by the Motor Accident Claims Tribunal, Panipat, dated 18.10.2017.

3. The Tribunal has held the claimants, who are dependents of deceased Ramesh Chand, entitled to compensation amounting to ₹ 23,24,805/- alongwith interest @ 9% per annum, payable by respondent Nos.1 to 3 jointly and severally. The deceased was held to be 40 years of age, earning annual income of ₹ 1,94,649/- being employed in Sawaran Sangam Shiksha Sewa Sansthan, Kurukshetra. For assessing compensation, multiplier of 15 was applied keeping in view his age. Besides, an amount of

₹ 50,000/- was awarded on account of loss of consortium; ₹ 25,000/- for last rites; ₹ 10,000/- for transportation; and ₹ 50,000/- for love and affection.

4. Learned counsel for the appellants has argued that in terms of law laid down by the Supreme Court in *National Insurance Company Limited vs. Pranay Sethi & others*, 2017(4) R.C.R. (Civil) 1009 and *Magma General Insurance Co. Ltd. Vs. Nanu Ram @ Chuhru Ram & others*, (2018) 18 SCC 130, the claimants are entitled to higher amount of compensation as it has been assessed without taking into account future prospects, and the amount awarded on account of Conventional Head is also on lower side.

5. The contention of learned counsel for the appellants deserves to be accepted. The amount assessed by the Tribunal needs to be enhanced as per law laid down by the Supreme Court in the cases of *Pranay Sethi (supra)* and *Magma General Insurance Co. Ltd. (supra)*. The law laid down in these judgments entitle the appellants-claimants to an addition of 40% to the deceased’s income towards future prospects, ₹ 44,000/- each for loss of consortium, ₹ 16,500/- towards funeral expenses and ₹ 16,500/- towards loss of estate.

6. In view of the aforesaid, the appellants-claimants are held entitled to the following amount of compensation:

Sr. No.	Head	Compensation Awarded by this Court
1	Annual income	₹ 1,94,649/-
2	Future prospects @ 40% of annual income	₹ 77,859/-
3	Total income including future prospects	₹ 2,72,508/-
4	Deduction @ 1/4 th towards personal expenses	₹ 2,04,381/-
5	Multiplier (2,04,381 x 15)	₹ 30,65,715/-
6	Loss of consortium (44000x 5)	₹ 2,20,000/-
7	Funeral expenses	₹ 16,500/-
8	Loss of estate	₹ 16,500/-
9	Total amount of compensation	₹ 33,18,715/-

7. The award passed by the Tribunal dated 18.10.2017, therefore, stands modified and the appellants-claimants are held entitled to compensation of an amount of ₹ 33,18,715/-, with interest at the rate of 9% from the date of filing the claim petition till its actual realization, which shall be jointly and severally paid in the same ratio as directed by the Tribunal.

8. The appeal stands disposed of accordingly.

9. Pending applications, if any, are disposed of as having been rendered infructuous.

(Tribhuvan Dahiya)
Judge

September 29, 2022
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Whether Speaking/ Reasoned:
Whether Reportable:

Yes/ No
Yes/ No