164 IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-6266-2018
Date of Decision: 26.05.2022

Harpreet Kaur and others …Appellants

vs.

Khushwinder Singh and another …Respondents

Coram : Hon'ble Mr. Justice B.S. Walia.

Present: Mr. Ashish Gupta, Advocate for the appellants.

Mr. R.C. Gupta, Advocate for respondent No.2.

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B.S. Walia, J. (Oral)

1. Appeal by the wife, mother and two minor children of the deceased, Harpreet Singh, is for enhancement of compensation of Rs.11,50,000/- as awarded by the learned Motor Accident Claims Tribunal, Moga (hereinafter referred to as 'the learned tribunal').

2. Learned counsel for the appellants / claimants contends that the learned tribunal took into account the age of the deceased as 39 years, on account of his date of birth being 01.08.1978, assessed the income of the deceased at Rs.8,000/- per month, took into account the number of dependent's as 'four' i.e. widow, two minor children and mother, imposed deduction of 1/4th and thereby worked out annual dependency @ Rs.72,000/, applied multiple of '15', awarded Rs.15,000/- on account of loss of estate, Rs.15,000/- on account of funeral expenses and Rs.40,000/- on account of loss of consortium to the widow, resultantly awarded total compensation of Rs.11,50,000/-.

3. Claim of the appellants / claimants in the appeal is for

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enhancement of compensation by granting 40% of the assessed income as future prospects in terms of the decision of Hon'ble the Supreme Court in **National Insurance Company Ltd. versus Pranay Sethi and others, 2017(4) RCR (Civil) 1009,** Rs.44,000/- on account of loss of consortium to the widow, Rs.44,000/- to each of the two minor children on account of loss of parental consortium besides Rs.44,000/- on account of loss of filial consortium to the mother of the deceased in terms of the decision of Hon'ble the Supreme Court in **United India Insurance Company Ltd. vs. Satinder Kaur alias Satwinder Kaur and others 2020 (3) RCR (Civil) 75**.

4. Learned counsel appearing on behalf of the insurance company states that he does not oppose the claim in appeal view of the decision of Hon'ble the Supreme Court in Pranay Sethi's case (supra) as well as United India Insurance Company Ltd.'s case (supra).

5. I have considered the submissions of learned counsel for the parties.

6. In view of the position noted above, compensation assessed by this Court is as under :-

Sr. No.	Head	As per the Tribunal	As per this Court
1.	Age of the deceased	39 years (DOB: 01.08.1978)	-do-
2.	Income of the deceased	Rs.8,000/-	Rs.8,000/-
3.	Future Prospects	Nil	Rs.3,200/- i.e. 40% of Rs.8,000/-
4.	Total Income	Rs.8,000/-	Rs.11,200/-

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Sr. No.	Head	As per the Tribunal	As per this Court
5.	Number of dependents	`4	4
6.	Deduction	1/4th of Rs.8,000/- i.e. Rs.2,000/-	1/4th of Rs.11,200/- i.e. Rs.2800/-
7.	Multiplier applied	15	15
8.	Annual dependency	Rs.6000x12x15= Rs.10,80,000/-	Rs.8400x12x15= Rs.15,12,000/-
9.	Loss of Estate	Rs,15,000/-	Rs.16,500/-
10.	Funeral expenses	Rs.15,000/-	Rs.16,500/-
11.	Loss of consortium to the wife of deceased	Rs.40,000/-	Rs.44,000/-
12.	Parental consortium to each of the two minor children	Nil.	Rs.88,000/- (Rs.44,000/- each).
13.	Filial Consortium	Nil	Rs.44,000/- to the mother of the deceased
14.	Rate of Interest	7% per annum	7% per annum
	Total	Rs.11,50,000/-	Rs.17,21,000/-

7. Accordingly, as against the compensation of Rs.11,50,000/- awarded by the learned tribunal, the appellants are held entitled to award of compensation of Rs.17,21,000/- along with interest @ 7% per annum w.e.f. the date of filing of the claim petition till date of payment, less amount if any

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`already paid, within four weeks. At this stage, learned counsel for the parties state that the compensation as awarded by the learned tribunal has already been made by the Insurance Company. Accordingly, balance payment as per details given above be made to the appellants / claimants, in the proportion as ordered by the tribunal / decision as above. The Insurance Company shall make the payment to the appellants after making deduction of the tax liability, qua future prospects, in accordance with the decision of Hon'ble the Supreme Court in Pranay Sethi's case (supra).

8. Accordingly, appeal is allowed and award dated 12.01.2018, passed by the learned Tribunal is modified to the extent as noted above.

(B.S. Walia)
Judge

26.05.2022
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Whether speaking/reasoned	:	Yes/No
Whether reportable	:	Yes/No

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