IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

230 **FAO No. 4026 of 2017 (O&M)**
Date of Decision: 14.03.2022

Pawani Devi and Ors. ....Appellants

VERSUS

Raish Ahmad and Ors. ....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. B.S. Mamli, Advocate for
Mr. R.S. Mamli, Advocate for the appellants.

Mr. Sagar Anand, Advocate for
Mr. Punit Jain, Advocate for respondent no.3.

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ALKA SARIN, J. (Oral)

Heard through video conferencing.

This appeal has been filed by the claimants seeking enhancement of compensation awarded by the Motor Accident Claims Tribunal, Yamuna Nagar at Jagadhri (hereinafter referred to as the 'Tribunal') for death of Pawan Kumar (hereinafter referred to as the 'deceased'), in a motor vehicle accident on 05.09.2015 with Canter bearing registration no.UP-20T-1853 (hereinafter referred to as the 'offending vehicle').

As the only issue involved in this appeal is enhancement of compensation, detailed facts of the case are not being reproduced for the sake of brevity.

Learned counsel for the claimant-appellants would contend that the Tribunal while awarding compensation though has taken monthly income of the deceased correctly as ₹8000/- and applied multiplier of 14 as well as deduction of 1/4th, however, no addition towards future prospects has been made as per judgment of Hon'ble Supreme Court in ***National Insurance Company Ltd.* vs. *Pranay Sethi & Ors.* [2017 (4) RCR (Civil) 1009]**. Learned counsel for the claimant-appellants has further argued that even consortium has not been granted as per the judgment of Hon'ble Supreme Court in ***Magma General Insurance Company Limited* vs. *Nanu Ram alias Chuhru Ram & Ors.* [(2018) 18 SCC 130]**.

Learned counsel for respondent no.3-Insurance Company has vehemently contested that the compensation already awarded to the appellant-claimants is on the higher side and there is no scope of any further enhancement.

I have heard learned counsel for the parties.

The Tribunal awarded the following compensation:-

Sr. No.	**Heads**	**Compensation Awarded**
1	Monthly Income of the deceased	₹ 8000/-
2	Deduction of 1/4th towards personal expenses	(₹ 8000-₹2000)= ₹6000/- per month
3	Annual income	(₹6000x12)= ₹72000/- per annum
4	Multiplier '14'	₹72000x14 = ₹10,08,000/-
5	Loss of Consortium to Widow-claimant no.1.	₹1,00,000/-
6	Loss of Estate	₹25000
7	For Transportation of dead body and last rites	₹20000/-
	Total Compensation	**₹11,53,000/-**

The Tribunal in the present case while taking monthly income of the deceased as ₹8000/- has rightly applied the multiplier of 14 and deduction of 1/4th towards personal expenses. However, from a perusal of the award passed by the Tribunal it is apparent that no addition has been allowed towards future prospects as per the law laid down by Hon'ble Supreme Court in ***Pranay Sethi's case*** *(supra)*. As per judgment in ***Pranay Sethi's*** case *(supra)*, the deceased, who was a self-employed person and was aged between 40 to 45 years, 25% addition would have to be made towards future prospects. Further, there are four claimants in this case i.e. widow and three minor children. As per judgment in ***Magma General Insurance Company Limited's*** case *(supra),* the widow would be entitled to ₹40,000/- towards spousal consortium and ₹40,000/- each to minor children as parental consortium.

Hon'ble Supreme Court in ***Pranay Sethi's*** case *(supra)* has held as under :

> *"59.8 Reasonable figures on conventional heads, namely, loss of estate, loss of consortium and funeral expenses should be Rs.15,000/-, Rs.40,000/- and Rs.15,000/- respectively. The aforesaid amounts should be enhanced at the rate of 10% in every three years."*

The said proposition has also been reiterated by Hon'ble Supreme Court in ***N. Jayasree and others*** ***vs.*** ***Cholamandalam MS General Insurance Company Ltd.*** ***[2021 (4) RCR (Civil) 642]***. Hence, the claimant-appellants in the present case would also be entitled to 10% increase in the conventional heads.

I deem it appropriate to award the following compensation under the respective heads as stated below :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income of the deceased	₹ 8000/-
2	Monthly income after deduction of 1/4th towards personal expenses	(₹ 8000-₹2000)= ₹6000/- per month
3	Annual income	(₹6000x12)= ₹72000/- per annum
4	Future Prospects @ 25%	(₹ 72000+₹ 18000) =90000/-
5	Multiplier '14'	₹90000x14 = ₹12,60,000/-
6	Loss of Estate	₹16,500/-
7	**Loss of Consortium** (i) Parental (3 children) (ii) Spousal	 ₹1,32,000 (₹44,000x3) ₹44,000 (Total ₹1,76,000/-)
8	Funeral Expenses	₹16,500/-
	Total Compensation	**₹1469000/-**

The amount in excess over what has already been awarded by the Tribunal shall also attract interest @ 9% from the date of the award till the realization of the entire amount. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal.

In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
JUDGE

14th March, 2022
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NOTE : Whether speaking/non-speaking : Speaking
Whether reportable : YES/NO