IN THE HIGH COURT OF PUNJAB & HARYANA
AT CHANDIGARH

276

FAO-3221-2019
Decided on : 25.04.2022

Ramlali and another

. . . Appellants

Versus

Babu Ram and others

. . . Respondents

CORAM: HON'BLE MRS. JUSTICE MANJARI NEHRU KAUL

Present : Mr. Wazir Singh, Advocate
for the appellants.

None for respondents No.1 & 2.

Mr. Satpal Dhamija, Advocate
for respondent No.3 – Insurance Company.

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MANJARI NEHRU KAUL, J. (ORAL)

The appellants-claimants who are parents of the deceased Gianu, are impugning the award dated 23.10.2018, passed by learned Motor Accidents Claims Tribunal, Panipat (hereinafter referred to as 'the Tribunal'), in a claim petition filed under Sections 166 & 140 of the Motor Vehicles Act, vide which their claim petition was allowed and they were awarded Rs.12,24,600 @ 7.5% per annum from the date of filing of the petition till its actual realization. The amount of compensation awarded by the Tribunal in the sum of Rs.12,24,600/- was assessed and granted as follows:-

Sr. No.	Head	Amount
1.	Monthly Income	Rs.8000/-
2.	Annual Income	12 x 8000=Rs.96,000/-
3.	Future Prospects (40%)	96000 x 40/100 = Rs. 38,400/-
4.	Total Annual Income	38400 + 96000 = Rs.1,34,400/-
5.	Deduction (50%)	Rs.67,200/-

6.	Annual Dependency	Rs.67,200/-
7.	Multiplier	18
8.	Total Dependency	Rs.67,200 x 18=Rs.12,09,600/-
9.	Cremation expenses	Rs.15,000/-
10.	Total Compensation	Rs.12,24,600/-

2. Learned counsel for the appellants-claimants submits that the Tribunal erroneously assessed the monthly income of the deceased in the sum of Rs. 8000/- p.m., on the basis of Collector rate, instead of, Rs. 25,000/- p.m., which he was actually earning at the time of his death in the motor vehicular accident, which took place on 01.06.2017.

3. Learned counsel further submits that the compensation assessed by the Tribunal is not in consonance with the judgments rendered by the Apex Court in ***National Insurance Co. Vs. Pranay Sethi, 2017 SCC 270*** and ***Magma General Insurance Co. Ltd. Vs. Nanu Ram alias Chuhru Ram & Ors., 2018(4) RCR (Civil) 333***, inasmuch as, the Tribunal erred in not awarding the filial consortium to the appellants-claimants (parents of the deceased) as per the settled law. He further submits that under the other convention heads like loss of estate, funeral expenses etc. inadequate compensation was assessed, which requires to be enhanced accordingly.

4. Learned counsel for respondent No.3 – Insurance Company has, however, submitted that the monthly income of the deceased was rightly assessed by the Tribunal, as the deceased was a 20 years old boy at the time of accident and was stated to be working as a labourer in the factory. Since, no income proof was produced by the appellants/claimants during trial, hence, it was on the basis of the Collector rate prevalent at the relevant time, his income was rightly

assessed at Rs. 8000/- p.m. Learned counsel for the Insurance Company was not able to dispute that the appellants/claimants being parents of the deceased were entitled to filial consortium in the sum of Rs. 40,000/- each.

5. After hearing learned counsel for the parties and on perusing the case file, this Court is of the opinion that no interference is warranted with respect to the monthly income of the deceased, which has been rightly assessed at Rs. 8000/- p.m. However, the compensation awarded by the Tribunal under the conventional heads requires to be reassessed in consonance with the judgment rendered by the Constitution Bench of Hon'ble Supreme Court in ***Pranay Sethi's case*** *(supra)*.

6. The Hon'ble Supreme Court in ***Pranay Sethi's case*** *(supra)* has quantified the amount in the sum of Rs.15,000/- each, to be awarded for loss of estate, funeral expenses and Rs.40,000/- loss of consortium. Still further, it has been held that the aforesaid amount would be further subject to 10% enhancement after every three years. Therefore, the appellants would be entitled to 10% enhancement *qua* the compensation under conventional heads, as has also been held and reassessed by Hon'ble Supreme Court in ***Rasmita Biswal and others Vs. Divisional Manager, National Insurance Co. Ltd. and another : 2022(1) RCR(Civil) 344*** as per the ratio laid down in ***Pranay Sethi's case(supra)***. Hence, the amount of compensation under the conventional heads stands modified to Rs.16,500/- each, for loss of estate & funeral expenses. Besides this, the claimants, who are the parents of the deceased, are entitled to Rs.44,000/- each, for loss of

filial consortium.

7. Resultantly, the compensation is re-assessed as follows:-

Sr. No.	***Head***	***Amount***
1.	Monthly Income	Rs.8,000/-
2.	Annual Income	12 x 8000=Rs.96,000/-
3.	Future Prospects (40%)	Rs.96,000 x 40/100=Rs.38,400/-
4.	Total Annual Income	Rs.1,34,400/-
5.	Deduction towards personal expenses (50%)	Rs.67,200/-
6.	Loss of Annual future earnings	Rs.67,200/-
7.	Multiplier	18
8.	Loss of Future earnings	Rs.67,200 x 18 = Rs. 12,09,600/-
9.	Loss of consortium (filial)	Rs.44,000/- x 2 = Rs.88,000/-
10.	Funeral Expenses	Rs.16,500/-
11.	Loss of Estate	Rs.16,500/-
12.	Total Compensation	Rs.13,30,600/-

The appellants-claimants are therefore, held entitled to a total of Rs.13,30,600/- as compensation along with interest @ 9% per annum from the date of filing of petition till its actual realization to be paid by the respondents jointly and severally.

With these modifications, the present appeal stands disposed of in above terms.

(MANJARI NEHRU KAUL)
JUDGE

April 25, 2022
J.Ram

Whether speaking/reasoned: *Yes/No*
Whether Reportable: *Yes/No*