

**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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FAO-1193-1993 (O&M)
Date of decision :19.12.2023

Sunita Devi and others

...Claimant-Appellants

Versus

Sat Paul Singh and others

...Respondents

CORAM: HON'BLE MR. JUSTICE AMAN CHAUDHARY

Present: Mr. Shrenik Jain, Advocate for the appellants.

Mr. Deepak Suri, Advocate for respondent No.3-Insurance
Company.

AMAN CHAUDHARY, J.

1. The present appeal has been filed by the claimant-appellants for enhancement of the compensation amount awarded by the learned Motor Accident Claims Tribunal, Sonapat (for short 'the Tribunal') vide award dated 19.04.1993, on account of death of Sajjan Kumar in a motor vehicular accident.

2. This is a reconstructed case, as the original file was burnt in the fire that broke out in the concerned branch in the year 2011. Since the case is pending for the last more than 30 years, learned counsel for the parties have no objection, if the same is decided on the basis of the available record.

3. Learned counsel for the appellants contends that the deceased, 26 years old at the time of accident, was running business of trading and earning Rs.2,000/- per month, however, the Tribunal has wrongly assessed his monthly income as Rs.1,000/-. The multiplier of 17 should have been applied in view of the law laid down in **Sarla Verma and others vs. Delhi Transport Corporation and another**, 2009(3) RCR (Civil) 77. He left

behind a wife, two minor children and mother. The compensation granted is on the lower side and nothing has been awarded towards future prospects of increase in income, loss of consortium, filial consortium to the children and funeral expenses.

4. On the other hand, learned counsel for the Insurance Company has opposed the present appeal and submits that the Tribunal has assessed the compensation in light of the evidence led by the claimant-appellants, thus, prays for the dismissal of the present appeal.

5. Heard and perused the record.

6. There is no dispute that the death of the deceased-Sajjan Kumar, occurred in a motor vehicular accident caused by respondent No.1-driver of the offending truck. So far as the fact of accident and manner of its taking place, as well as liability fastened upon the National Insurance Company, it is pertinent to mention that no challenge to the same has been made, thus, this issue does not warrant any further scrutiny.

7. Evidently, the deceased was 26 years old but there being no evidence of his income, the Tribunal has rightly taken it to be Rs.1,000/- per month. However, with regard to the enhancement of the compensation, this Court can make a profitable reference to the law laid down in **Sarla Verma and others** (supra), **National Insurance Company Limited vs. Pranay Sethi and others** 2017(4) RCR (Civil) 1009 and **Janabai vs. ICICI Lambord Insurance Co. Ltd.**, (2022) 10 SCC 512 and accordingly the appellants are held entitled to grant of future prospects to the extent of 40%, he being self-employed and also for the compensation under the conventional heads i.e. Rs.18,000/- for funeral expenses; Rs.18,000/- for loss of estate; Rs.1,44,000/- (48,000 x 3) for filial consortium to two minor

children and mother and Rs.48,000/- loss of consortium to wife. The deceased being 26 years, the multiplier of 17 should be applied.

8. Accordingly, the total compensation comes to Rs.5,13,600/- (Rs.1000 (monthly dependency) + 40% (towards future prospectus) x 12 x 17 (multiplier) + Rs.2,28,000/- (conventional head). Thus, the enhanced compensation of Rs.3,98,400/-, over and above the amount of Rs.1,15,200/- already awarded by the Tribunal, alongwith interest at the rate of 7.5% per annum from the date of filing of the present appeal, till its realization, shall be paid to the claimant-appellants as ordered by the Tribunal, within a period of 2 months from the date of receipt of a certified copy of this judgment, failing which, the amount shall accrue an interest as awarded by the Tribunal.

9. Modifying the award to the aforesaid extent, the present appeal is disposed of.

19.12.2023
Ankur

(AMAN CHAUDHARY)
JUDGE

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