

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

205

FAO-1425-2002 (O&M)

Date of decision : 15.02.2023

Rajjo Devi and another

... Appellants

Versus

Ravinder Singh and others

.. Respondents

CORAM :HON'BLE MR. JUSTICE ANUPINDER SINGH GREWAL

Present:- Mr. Tarun Yadav, Advocate for the appellants.

Mr. Amandeep Singh, Advocate for
Mr. Chanderhas Yadav, Advocate for respondent No.1.

Mr. R.C. Gupta, Advocate for the Insurance Company.

Mr. Satish Jain, Advocate for respondent No.6.

Anupinder Singh Grewal, J. (Oral)

The appellants/claimants have challenged the award dated 12.11.2001 passed by the Motor Accident Claims Tribunal, Gurugram (for short, 'the Tribunal') in a claim petition filed under Section 166 of the Motor Vehicles Act, 1988.

Learned counsel for the appellants submits that the compensation as determined by the Tribunal needs to be enhanced inasmuch as the income of the deceased had been wrongly assessed and multiplier of 18 instead of 5 ought to be applied and the compensation under other heads including loss of estate, future prospects, loss of consortium, funeral expenses had to be granted.

Learned counsel for the respondent/Insurance Company submits that adequate compensation had already been granted to the appellants/claimants and no case for enhancement is made out.

Heard.

The accident wherein the deceased had expired had taken place on 27.02.1994. The income of the deceased had been assessed as Rs.1,500/- per month by taking into account the minimum wages. It had been stated that the deceased was working as a Cleaner on the truck. No evidence had been led with regard to his income or to suggest that he has to be treated as a skilled labour. In the absence of any evidence, I do not find any infirmity in the Tribunal determining his income at the rate of minimum wages at the prevalent rate applicable at that time. The income of Rs.1,500/- per month as assessed by the Tribunal cannot be faulted. However, there appears to be merit in the contention of the counsel for the appellant that multiplier of 18 ought to have been applied as the age of the deceased was 24 years at the time of accident. The Tribunal had applied the multiplier of 5 but in view of the law laid down by the Supreme Court in the case of **National Insurance Company Limited vs. Pranay Sethi and others, AIR 2017 SC 5157**, multiplier of 18 would be appropriate. It is not in dispute that the age of the deceased at the time of accident was 24 years and the claimants would also be entitled to compensation under conventional heads in terms of the judgment of the Supreme Court in the case of **National Insurance Company Limited vs. Pranay Sethi and others(supra)**.

Consequently, the award of the Tribunal is modified to the extent that multiplier of 18 instead of 5 would be applied. The compensation would be re-determined and an amount of 40% towards future prospects, Rs.15,000/- towards loss of estate, Rs.80,000/- (Rs.40,000/- each) for loss of consortium, Rs.15,000/- funeral expenses along with 10% enhancement for every three

years would also be payable. The respondent/Insurance Company would be liable to pay compensation within three months along with interest @ 7.5% p.a. as determined under:-

$$\begin{aligned} & [\{ \text{income per month} + (\text{future prospects} \%) (\text{income per month}) \} \times 12 \times \\ & (\text{multiplier}) \times (\text{deduction} \%)] + [(15,000 + 80,000 + 15,000) + 10\% (15,000 + 80,000 + 15,000)] \\ & = \text{Rs. } [\{ 1,500 + (40\% \times 1,500) \} \times 12 \times 18 \times (50\%)] + [1,10,000 + 11,000] \\ & = \text{Rs. } 2,26,800 + 1,21,000 \\ & = \text{Rs. } 3,47,800/- \end{aligned}$$

The enhanced compensation of Rs.3,47,800/- shall be payable along with interest thereon at the rate of 7.5 % per annum from the date of filing of the claim petition till its realization.

The appeal is partly allowed in the aforesaid terms. Memo of costs be drawn accordingly.

(ANUPINDER SINGH GREWAL)
JUDGE

February 15, 2023
sonia gugnani

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