

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

**XOBJC No.34-CII of 2000 in
FAO No.538 of 2000
Date of Decision: 15.02.2023**

Harnek Singh Channi and others

.....Appellants.

Versus

Harinder Kaur and others

.....Respondents.

CORAM: *HON'BLE MRS. JUSTICE MEENAKSHI I. MEHTA*

Present:- Appeal filed by the Owners dismissed
for want of prosecution, vide the order dated 22.03.2022.

Mr. Ashish Grover, Advocate
for respondents No.1 to 6/Cross-Objectors (claimants).

Ms. Tanisha, Advocate, appearing for
Mr. S.P.S. Sidhu, Advocate
for respondent No.7-Driver.

Mr. Pardeep Goyal, Advocate
for respondent No.8-insurance company.

MEENAKSHI I. MEHTA, J. (Oral)

Feeling aggrieved and dis-satisfied with the Award as passed by learned Motor Accident Claims Tribunal, Bathinda (for short 'the Tribunal') on 13.11.1999, whereby respondents No.1 to 6 claimants/cross-objectors (here-in-after to be referred as 'the cross-objectors') have been granted compensation to tune of Rs.3,36,000/-, along-with interest @ 12% per annum from the date of filing of the petition till its actual realization from respondents No.1 to 4 (arrayed as the appellants and respondent No.7

in the appeal), on account of the death of Bagga Singh in a motor vehicular accident, the appellants, i.e the owners of the Mini Bus bearing registration No.PAB-3288 (for short 'the offending vehicle'), had preferred the afore-said appeal to lay challenge to the findings returned by the Tribunal qua the quantum of compensation and also regarding their liability to pay the same.

2. It is worth-while to mention here that respondents No.1 to 6-claimants have filed the instant cross-objections in the appeal for seeking modification in the impugned Award by way of granting the compensation, as prayed for by them in the claim petition.

3. It is again pertinent to point it out here that vide the order dated 22.03.2022 as passed by the Co-ordinate Bench, the appeal had been dismissed for want of prosecution and it being so, only the cross-objections survive for the adjudication by this Court.

4. I have heard learned counsel for the cross-objectors as well as learned counsels for respondent No.7 and for respondent No.8-insurance company in the cross-objections and have also perused the file carefully.

5. Learned counsel for the cross-objectors contends that the Tribunal has assessed the monthly income of the afore-named deceased at Rs.3,000/- but it has not awarded any compensation on the score of future prospects and it has also erroneously deducted 1/3rd share of the above-assessed monthly income of the deceased on the count of his living and personal expenses, without taking the number of the claimants-dependants into consideration and moreover, no compensation has been granted for the loss of consortium, loss of estate and the funeral expenses as well and in

these circumstances, the cross-objectors are entitled to the enhancement of the amount of compensation, as awarded to them by the Tribunal.

6. Per contra, learned counsel for respondent No.7-driver and learned counsel for respondent No.8-insurance company argue that the cross-objectors have already been adequately compensated by the Tribunal and therefore, they have no occasion to ask for any further enhancement in the amount of compensation.

7. It goes undisputed between the parties that the afore-named deceased was 42 years old at the time of his death in the said accident. Considering the above-mentioned age of the deceased and in view of the verdict rendered by the Constitution Bench of the Apex Court in **National Insurance Company Limited Versus Pranay Sethi and others 2017(16) SCC 680**, an amount equivalent to 25% of his afore-said monthly income, i.e Rs.750/-, is to be added therein towards the future prospects and on so adding, his monthly income comes out to be (Rs.3,000+750)=Rs.3,750/-.

8. Further, the Tribunal has awarded compensation to all the six cross-objectors by taking them as the dependents of the deceased. Keeping in view this fact and in the light of the observations as made by Hon'ble the Supreme Court in **Sarla Verma and Others Versus Delhi Transport Corporation and Another 2009(6) SCC 121**, 1/4th share of the above-said monthly income of the deceased, i.e Rs.937.50 Ps, has to be deducted therefrom towards his living and personal expenses, leaving the balance amount of Rs.2812.50 Ps, (rounded off to Rs.2,813/-) for being counted towards the monthly dependency of the cross-objectors and their annual

dependency, thus arrived, would be $(2813 \times 12) = \text{Rs.}33,756/-$.

9. In view of the afore-mentioned age of the deceased as well as the guidelines laid down by the Apex Court in Sarla Verma (supra), the multiplier of ‘14’ is to be applied to calculate the amount of compensation and when so applied, it comes out to be $(\text{Rs.}33,756 \times 14) = \text{Rs.}4,72,584/-$. Besides this amount, the cross-objectors, being the wife, three children and the parents of the deceased, are granted compensation of Rs.44,000/- each for the loss of spousal, parental and filial consortium respectively and they are also awarded an amount of Rs.16,500/- towards the loss of estate and another sum of Rs.16,500/- for the funeral expenses.

10. Accordingly, the net enhanced amount of compensation, as shall be payable to the cross-objectors/claimants, is worked out as under:-

Head	Compensation awarded by the Tribunal	Compensation awarded by this Court	Enhancement
Dependency	Rs.3,36,000/- (Rs.24,000x14)	Rs.4,72,584/- (Rs.33,756x14) including the future prospects @25%	Rs.1,36,584/-
Loss of Consortium	NIL	Rs.44,000/- to each of the six claimants, i.e Rs.2,64,000/-	Rs.2,64,000/-
Loss of Estate	NIL	Rs.16,500/-	Rs.16,500/-
Funeral Expenses	NIL	Rs.16,500/-	Rs.16,500/-
Net Enhanced amount:-			Rs.4,33,584/-

11. Resultantly, the cross-objections in hand are hereby allowed to the effect that the cross-objectors-claimants are entitled to the net enhanced compensation amounting to **Rs.4,33,584/-** over and above the amount of Rs.3,36,000/- as already awarded to them. The said enhanced amount shall carry the interest @ 7.5% per annum from the date of filing of the claim petition till its actual realization and shall be payable to them in the same terms as mentioned in the impugned Award.

February 15, 2023
Yag Dutt

(MEENAKSHI I. MEHTA)
JUDGE

<i>Whether speaking/reasoned:</i>	<i>Yes</i>
<i>Whether Reportable:</i>	<i>Yes</i>