

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

**FAO-1081-2015 (O&M)**

**Date of decision: 09.01.2023**

Usha Devi and another ...Appellants

V/s

Ajaib Singh and others ...Respondents

**CORAM: HON'BLE MR. JUSTICE ARUN MONGA**

**Present:** Mr. Abhinav Kalia, Advocate,  
for the appellants.

Mr. Ankur Gupta, Advocate,  
for respondent No.3-Insurance Company.

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**ARUN MONGA, J. (ORAL)**

Appellants before this Court are the claimants seeking enhancement of compensation granted to them vide award dated 19.11.2014, which is under challenge to the limited extent of seeking modification claiming that the Motor Accidents Claims Tribunal, Karnal has not given future prospects.

2. Succinct facts as noted by the Tribunal are as below:

*“Brief facts leading to the filing of this claim petition are that on 19.05.2013, Jarnail Singh (since deceased) was going from Karnal to Ambala side by driving his Eicher Canter at a moderate speed. At about 6.30 A.M., when he reached on G.T. Road, and after crossing the toll tax barrier had gone 3-4 Kms. towards Ambala side, truck no. HR-37A-2305 (hereinafter referred to be offending vehicle) was going ahead of him which was driven in a rash and negligent and zig zag manner and suddenly driver gave a cut and applied sudden brakes without any indicator and that is why the Canter of Jarnail*

*Singh hit against the offending truck. Jarnail Singh received multiple and serious injuries all over his body. He was taken to Hospital, Nilokheri, where he succumbed to injuries. The matter was reported to the police and FIR No.203 dated 19.05.2013, under Sections 279/337/338/304A IPC was registered. According to claimant, the present accident had taken place due to rash and negligent driving of respondent No.1 and all respondents are jointly and severally liable to pay compensation”.*

3. It has been contended by the learned counsel for the appellants that deceased was 36-year old at the time of accident and he was earning Rs.25,000/- p.m. by plying the above said vehicle. He was the sole bread winner of the family and both the claimants were dependent upon his income. Claimants have suffered huge loss on account of his untimely death. The claimants have claimed compensation to the tune of Rs.50,00,000/- along with interest @ 24% per annum from the date of filing of claim petition till realization.

4. Having addressed the rival contentions for some time, both the learned counsels at a later stage jointly suggest that the award under challenge be modified to the extent by giving future prospects @25% in terms of ***“National Insurance Company Limited Versus Pranay Sethi and others 2017(16) SCC 680***, read with ***“Magma General Insurance Co. Ltd vs Nanu Ram Alias Chuhru Ram decided on 18.09.2018.”***

5. In view of the aforesaid and on the suggestion of learned counsels, the impugned award is modified to that extent and it is clarified that compensation payable to the claimants is computed as under:

|                                                                                |                                                                        |
|--------------------------------------------------------------------------------|------------------------------------------------------------------------|
| Deceased                                                                       | Jarnail Singh                                                          |
| Date of accident/death                                                         | 19.05.2013                                                             |
| Age                                                                            | 36 years                                                               |
| Marital Status                                                                 | Married                                                                |
| Claimants                                                                      | Wife and son                                                           |
| Income of the deceased                                                         | Rs.10,000/- per month                                                  |
| Future prospects                                                               | 25% (Rs.10,000+2500) = 12500/-                                         |
| Deduction in dependency                                                        | 1/3 <sup>rd</sup><br>(12500-4166)=8334                                 |
| Annual dependency                                                              | Rs.1,00,008 (8334 X12)                                                 |
| Multiplier                                                                     | 14                                                                     |
| Conventional Heads(funeral expensesAnd loss of estate)                         | Rs.30,000 (15,000+15,000)                                              |
| Consortium (40,000 each)                                                       | 80,000/-                                                               |
| Interest                                                                       | 9% P.A.                                                                |
| Total                                                                          | Rs.15,10,112/- along with 9% interest<br>(1,00,008 X 14+30,000+80,000) |
| Compensation awarded by the Tribunal                                           | Rs.13,45,000/- plus 9% interest                                        |
| Enhanced amount of compensation to be paid 15,10,112-13,45,000-<br>=1,65,112/- | Rs.1, 65,112/-                                                         |

6. Accordingly, the award is modified in terms of the above computations. Revised compensation shall be payable to the claimants within 2 months of their approaching the insurance company along with web print of the instant order failing which further penal interest @ 3% per annum shall be payable from the date of filing of the claim petition till the actual date of payment. Revised compensation amount be disbursed to the claimants in terms of the apportionment, as already determined by the Tribunal.

7. Disposed of in above terms.

09.01.2023  
vandana

(ARUN MONGA)  
JUDGE

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