

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO 1102/2015

Date of decision:06/02/2023

Amanpreet Kaur and others

.....Appellants

Vs.

Daljit Singh @ Mintu and others

.....Respondents

CORAM HON'BLE MS. JUSTICE NIDHI GUPTA

Present:- Mr. PS Punia, Advocate for the appellants.

Mr. Abhishek Goel, Advocate for respondent no.2-Owner

Mr.Vinod Gupta, Advocate for respondent no.3-Insu. Co.

Nidhi Gupta, J.

Present appeal has been filed by the claimants seeking enhancement of compensation of Rs.8,90,480/- granted by the Motor Accident Claims Tribunal, Fatehgarh Sahib (hereinafter referred to as 'the Tribunal') vide Award dated 6.11.2013 passed in a petition filed u/s 166 of the Motor Vehicles Act,1988 bearing MACT No.24/9.6.2012.

Brief facts of the case are that the learned Tribunal on the basis of pleadings and evidence before it concluded that the deceased Sandeep Singh, aged about 30 years had died due to injuries suffered by him in a motor vehicular accident that took place on 8.5.2012 due to rash and negligent driving of truck No. HR-65-A-1834 (hereinafter referred to as 'the offending

vehicle') being driven by respondent no.1, owned by respondent no.2, and insured by respondent no.3.

Learned Tribunal in the facts and circumstances of the case passed impugned Award dated 6.11.2013 for a sum of Rs.8,90,480/- along with interest @ 9% per annum from the date of filing of the claim petition till realization. Claimants/ appellants herein are the widow, minor son, and father of the deceased Sandeep Singh. Respondents were held jointly and severally liable to pay the awarded compensation.

Learned counsel for the appellant submits that the only grounds on which the Award is being assailed is that future prospects have been given @ 30% whereas the same ought to have been given @ 40%; and that the claimants are also entitled to consortium @ 40,000/- each whereas only Rs.50,000/- have been awarded to appellant no.1 by way of consortium.

Learned counsel for the respondent Insurance Company very fairly submits that the claim of the appellants cannot be disputed in view of the law laid down by the Hon'ble Supreme Court in cases of **Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram, 2018 (18) SCC 130; Sarla Verma vs. Delhi Transport Corporation (2009) AIR (SC) 3104; and National Insurance Company Limited v Pranay Sethi and others (2017) 16 SCC 680.**

Heard Ld. Counsel for the parties.

A perusal of the record of the case shows that on the date of accident the age of the deceased was about 30 years as determined from the School certificate of the deceased Ex.C9, which shows his date of birth as 10.3.1982. Accordingly, in conformity with the law laid down by the Hon'ble

Supreme Court, as noticed above, deceased being less than 40 years of age, future prospects @ 40% have to be granted. As per admitted legal position and the claimants are also entitled to consortium @ 40,000/- each.

Accordingly, the impugned Award is modified in the above said terms and the enhanced compensation is reworked as follows:-

Head	Amount (in rupees)
Income	5100/-
Future prospects	@ 40%
Multiplier	17
Deductions	1/3 rd
Total dependency	$5100 + 40\% - 1/3 \times 12 \times 17 = 9,71,000/-$
Conventional Heads	$40000 \times 3 = 1,20,000/-$
Total	11,21,000/-
Compensation Granted by the Ld. Tribunal	8,90,480/-
Enhanced compensation	2,30,520/-
Interest from the date of filing of the claim petition till realization.	@ 9% per annum

The ratio of apportionment and manner of disbursement of enhanced compensation shall remain same, as already determined by the Tribunal.

Disposed of in above terms.

06/02/2023
Joshi

(Nidhi Gupta)
Judge

Whether speaking/reasoned
Whether reportable

Yes
Yes/No