

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

FAO 3763/2016

Date of decision:23/01/2023

Roshni Devi and another

.....Appellants

Vs.

Dilbagh Singh and others

.....Respondents

**CORAM        HON'BLE MS. JUSTICE NIDHI GUPTA**

Present:-        Mr. SK Yadav, Advocate for the appellant/claimant  
                      Mr. Vinod Gupta, Advocate for respondent no.4-Ins. Co.

**Nidhi Gupta, J.**

This appeal has been filed by the claimants/appellants- seeking enhancement of compensation of Rs.5,38,520/- awarded by the Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as 'the Tribunal'), vide Award dated 1.2.2016 passed in MACT No.59/2015 filed by the claimants u/s 166 of the Motor Vehicles Act on account of death of their son Pramender Kumar @ Parveen.

At the time of hearing, learned counsel for the parties are *ad idem* that the position in law as laid down by the Hon'ble Supreme Court in **Sarla Verma vs. Delhi Transport Corporation (2009) AIR (SC) 3104; National**

**Insurance Company Limited v Pranay Sethi and others (2017) 16 SCC 680**  
**and Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru**  
**Ram, 2018 (18) SCC 130;** cannot be disputed, as per which the appellants/claimants are entitled to future prospects @ 40%; and the amount of Rs.20,000/- awarded under the conventional heads is on lower side and the appellants are entitled to Rs.16500/- each under the conventional heads; and interest @ 9% per annum as awarded by the Tribunal, is admissible from the date of filing of the claim petition till date of realization.

In view of the admitted position in law, the compensation awarded to the appellants is reworked as follows:

| Head                                                                                                                                 | Amount in Rupees                                     |
|--------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------|
| Monthly income                                                                                                                       | 8000                                                 |
| 40% future prospects                                                                                                                 | 3200                                                 |
| Multiplier                                                                                                                           | 18                                                   |
| Less deduction                                                                                                                       | 50%                                                  |
| Total dependency                                                                                                                     | $8000 + 40\% \times 12 \times 18 / 2 =$<br>12,09,600 |
| Parental consortium to parents @<br>Rs.44,000/-                                                                                      | 88,000                                               |
| Compensation under conventional<br>heads towards loss of Estate and<br>Funeral expenses to both the<br>claimants @ Rs.16,5000/- each | 33,000                                               |
| Reworked compensation                                                                                                                | 13,30,600                                            |
| Less Awarded by the Tribunal                                                                                                         | 5,38,500                                             |
| Enhanced compensation                                                                                                                | 7,92,100                                             |

|          |                                                                        |
|----------|------------------------------------------------------------------------|
| Interest | @ 9% from the date of filing of claim petition till actual realization |
|----------|------------------------------------------------------------------------|

The mode and manner of apportionment of enhanced compensation remains unchanged.

Present appeal accordingly, stands disposed of in the aforesaid terms.

23/01/2023  
Joshi

(Nidhi Gupta)  
Judge

Whether speaking/reasoned  
Whether reportable

Yes  
Yes/No