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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-6262-2016 (O&M)
Date of decision : 24.03.2023

Pooja Rani & Anr

... Appellant(s)

Versus

Sukhjit Singh & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. R.S. Mamli, Advocate for the appellants.

Mr. Vinod Chaudhri, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

CM-21168-CII-2016

This is an application for condonation of delay of 909 days in filing the appeal.

For the reasons stated in the application, delay of 909 days in filing the appeal is condoned. However, the applicant-claimant-appellants shall not be entitled to interest for the period of delay. CM stands disposed off.

FAO-6262-2016

The present appeal has been preferred by the claimant-appellants challenging the award dated 04.10.2013 passed by the Motor Accident Claims Tribunal, Kurukshetra (hereinafter referred to as 'Tribunal') aggrieved by the

quantum of compensation which has been awarded.

Learned counsel for the claimant-appellants would contend that though the income of the deceased has rightly been assessed at Rs.4,300/- per month as per the minimum wages applicable at the time of the accident and a deduction of 1/3rd has also correctly been applied by the Tribunal, however, no amount has been awarded towards future prospects as per the law laid down by the Hon’ble Supreme Court in the case of **National Insurance Company Limited Vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**. Learned counsel has fairly conceded that the amounts awarded under the conventional head and the head consortium are on the higher side and the same may be reworked out. It is further stated that the Tribunal has rightly applied a multiplier of ‘17’.

Per contra, learned counsel for respondent No.3-Insurance Company has contended that the amount awarded is already on the higher side and there is no scope for any enhancement.

Heard.

In the present case, the Tribunal has awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	Rs.4,300/-
2	Annual income	[4,300 x 12] =Rs.51,600/-
3	Deduction 1/3 rd	[51,600-17,200] =Rs.34,400/-
4	Multiplier of 17	[34,400 x17] = Rs.5,84,800/-
5	Loss of estate	Rs.10,000/-
6	Funeral expenses	Rs.25,000/-

7	Loss of care and guidance for minor child	Rs.1,00,000/-
8	Loss of consortium to widow	Rs.1,00,000/-
	Total Compensation	Rs.8,19,800/-
	Interest	6% per annum

The income of the deceased, based on the minimum wages applicable at the time of the accident, has rightly been assessed at Rs.4,300/- per month. Further, a deduction of 1/3rd as well as a multiplier of ‘17’ have rightly been applied by the Tribunal. However, no amount has been awarded towards future prospects. Accordingly, keeping in view the age of the deceased which was 30 years, an addition of 40% would have to be made towards future prospects as per the law laid down by the Hon’ble Supreme Court in the case of **Pranay Sethi** (supra). The amounts under the conventional head and head consortium are on the higher side and the same need to be reworked out in view of the law laid down by the Hon’ble Supreme Court in the cases of **Magma General Insurance Co. Ltd. Vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]**, **N. Jayasree & Ors. Vs. Chola mandalam MS General Ins. Co. Ltd. [2021 ACJ 2685]** and **Pranay Sethi** (supra). Accordingly, the claimants would be entitled to an amount of Rs.44,000/- each under the head consortium i.e. parental, filial and spousal and further they would also be entitled to Rs.16,500/- and Rs.16,500/- under the conventional heads. Accordingly, the re-worked out compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	Rs.4,300/-
2	Annual income	[4,300 x 12] =Rs.51,600/-
3	Deduction 1/3 rd	[51,600-17,200] =Rs.34,400/-
4	Future prospect @ 40%	[34,400+13,760]=Rs.48,160/-
5	Multiplier of 17	[48,160 x17]=Rs.8,18,720/-
6	Loss of estate	Rs.16,500/-
7	Funeral expenses	Rs.16,500/-
8	Loss of Consortium : (i) Parental (ii) Filial (iii) Spousal	Rs.44,000/- Rs.44,000/- Rs.44,000/- (Total Rs.1,32,000/-)
	Total Compensation	Rs.9,83,720/-
	Amount Awarded by the Tribunal	Rs.8,19,800/-
	Enhanced amount	Rs.1,63,920/-

The enhanced amount shall carry interest @ 6% per annum from the date of filing of the claim petition till realization excluding the period of delay in filing the appeal. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal. It is however, made clear that no interest shall be payable for the period of delay in filing the appeal.

In view of the above, the appeal stands allowed and the award of the Tribunal is modified to the above-mentioned extent. Pending applications, if any, also stands disposed off.

24.03.2023
Yogesh Sharma

(ALKA SARIN)
JUDGE

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: YES/NO