

IN THE HIGH COURT OF PUNJAB AND HARYANA  
AT CHANDIGARH

(213) CM-3617-CII-2023 in/and  
FAO-7809-2015  
Date of Decision : May 30, 2023

Suresh and others .. Appellants

Versus

Sarbjit Singh and others .. Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Amardeep Hooda, Advocate, for the appellants.

Mr. Neeraj Khanna, Advocate, for the respondents.

**HARSIMRAN SINGH SETHI J. (ORAL)**

**CM-3617-CII-2023**

Present application has been filed for recalling the order dated 06.02.2023, by which, the present appeal was dismissed for non-prosecution.

Notice of the application was already issued.

Mr. Neeraj Khanna, Advocate, accepts notice on behalf of the respondents. He raises no objection for the grant of prayer as raised in the present application.

Keeping in view the averments made in the application, which are duly supported by an affidavit, the same is allowed. The order dated

06.02.2023 is recalled and the appeal is restored to its original number and status.

**FAO-7809-2015**

1. Present first appeal has been filed by the claimants for enhancement of the compensation as awarded by the Motor Accident Claims Tribunal, Rohtak vide Award dated 06.07.2015.

2. Learned counsel for the appellants submits that though by the impugned Award dated 06.07.2015, a sum of Rs.8,37,800/- has been awarded as compensation by the Tribunal but while awarding the same, certain aspects have been ignored by the Tribunal especially the future prospects for which the claimants are entitled for. Learned counsel for the appellants further submits that as the deceased was 51 years of age, he was entitled for future prospects @ 15% of the income assessed, which has not been granted hence, the same is liable to be amended.

3. Learned counsel for the respondent-Insurance Company has not been able to rebut the claim of future prospect @ 15% as admissible to the claimant in the facts and circumstances of this case.

4. Learned counsel for the respondents, on the other hand submits that keeping in view the judgment of the Hon'ble Supreme Court of India in ***Civil Appeals No.2410-2412 of 2023 titled as Shri Ram General Insurance Company Ltd. vs. Bhagat Singh Rawat and others, decided on 27.03.2023***, only Rs.44,000/- can be granted as consortium whereas, in the present case, consortium to the tune of Rs.1 lac has been granted which benefit extended needs to be reduced as per the settled principle of law.

5. Learned counsel for the appellants has not been able to rebut the said fact that only Rs.44000/- can be awarded as consortium.
6. No other argument has been raised.
7. Keeping in view the above, award of Motor Accident Claims Tribunal is modified in the following manner:-

|                             |                                             |
|-----------------------------|---------------------------------------------|
| Date of accident            | 28.01.2014                                  |
| Deceased                    | Jasvir Singh                                |
| Age                         | 52 years                                    |
| Income                      | Rs.8030/-                                   |
| Claimant                    | Widow and two children                      |
| Deduction 1/3 <sup>rd</sup> | Rs.5400/- (8030-1/3 <sup>rd</sup> of 8030)  |
| Future prospects 15%        | Rs.6200/- per month                         |
| Multiplier                  | 6200x12x1= Rs.8,18,400/-                    |
| Loss of consortium          | Rs.44,000/-                                 |
| Funeral expenses            | Rs.25,000/-                                 |
| Loss of estate              | Rs.16,500/-                                 |
| Total                       | Rs.8,18,400+44000+25000+16500 = Rs.903900/- |
| Tribunal granted            | Rs.8,37,800/-                               |
| Enhancement                 | Rs.66,100/-                                 |
| Interest                    | 7.5%                                        |

8. The claimants will be entitled for the enhanced compensation as noticed hereinbefore. The interest on the compensation as granted by the Tribunal, will remain intact.
9. The appeal is allowed in above terms.

May 30, 2023  
harsha

(HARSIMRAN SINGH SETHI)  
JUDGE

Whether speaking/reasoned : Yes  
Whether reportable : No