

R-881

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

FAO No.6888 of 2016 (O&M)

Date of Decision : 03.02.2023

Kela Devi and Others

....Appellants

VERSUS

Harjeet and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Varuna Singh, Advocate for
Mr. Kanwar Satbir Singh, Advocate, for the appellants.

Mr. Varun Sharma, Advocate for
Mr. Ashwani Talwar, Advocate, for the Insurance Company.

ALKA SARIN, J. (Oral)

The present appeal has been preferred by the claimant-appellants against the award dated 09.10.2013 passed by the Motor Accident Claims Tribunal, Sonipat (hereinafter referred to as the 'Tribunal') challenging the quantum of compensation. The connected appeal being FAO-2215-2014 preferred by the owner and driver of the offending vehicle was allowed vide order dated 31.03.2016 and the insurance company was held jointly and severally liable.

Since the dispute in the present appeal is only qua compensation, hence the facts are not being adverted to.

The Tribunal has awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income of the deceased	Rs.6000/-
2	Annual dependency of the claimants after deduction of 1/4 th	Rs.4500/- (6000-1500)
3	Multiplier of 13	Rs.702000/- (54000x13)
4	Funeral Expenses	Rs.25000/-
5.	Loss of consortium	Rs.100000/-
	Total Compensation	Rs.827000/-

Learned counsel for the claimant-appellants would contend that the deceased in the present case was 48 years old. Though his income has correctly been assessed as Rs.6000/- per month and multiplier of 13 has rightly been applied, however 25% addition towards future prospects has not been made as per the law laid down in the case of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]** and the amounts paid under the conventional heads as well as under the head of consortium are on the lower side. It is further the contention of the learned counsel that the award is not as per the law laid down by the Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]**; **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]**; and **N. Jayasree & Ors. vs. Cholamandalam M.S General Insurance Company Ltd. [2021 (4) RCR (Civil) 642]**.

Per contra the learned counsel for respondent no.3-Insurance Company has contended that already an amount of Rs.8,27,000/- has been awarded and hence there is no scope for any further enhancement.

I have heard learned counsel for the parties.

In the present case the age of the deceased was 48 years and taking the income of the deceased as Rs.6000/- per month, the multiplier of 13 has rightly been applied. However, as per the law laid in the cases of **Pranay Sethi (supra)**, **Magma General Insurance Company Limited (supra)** and **N. Jayasree (supra)**, an addition 25% would have to be made towards future prospects; an amount of Rs.33000/- (16500+16500) would have to be paid under the conventional heads; the wife, two children and the parents would be entitled to Rs.44000/- (each) under the head consortium.

The re-worked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Annual Income of the deceased	Rs.6000/- x 12 = Rs.72000/-
2	Deduction of 1/4 th share	Rs.54000/- (72000-18000)
3	Future prospects @ 25%	Rs.67500/- (54000+13500)
4	Multiplier of 13	Rs.877500/-
5	Loss of Estate	Rs.16500/-
6	Funeral Expenses	Rs.16500/-
7	Loss of Consortium Parental : Rs.88,000/- (44000x2) Spousal : Rs. 44,000/- Filial : Rs.88,000/- (44000x2)	Rs.220000/-
	Total Compensation	Rs.11,30,500/-
	Amount Awarded by the Tribunal	Rs.8,27,000/-
	Enhanced amount	Rs.3,03,500/-

The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% from the date of filing of the claim petition till realization of the entire amount. The amount

shall be apportioned amongst the claimant-appellants as directed by the Tribunal.

In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

February 02, 2023
tripti

(ALKA SARIN)
JUDGE

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