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

FAO No.3017 of 2018 (O&M)

Date of Decision : 23.02.2023

Shakuntla and Another

....Appellants

VERSUS

Naveen and Another

...Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Raj Kumar, Advocate for the appellants.

Mr. Punit Jain, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)

CM-11738-CII-2018

This is an application for condonation of delay of 1034 days in filing the appeal.

For the reasons stated in the application, the same is allowed subject to the condition that no interest shall be paid for the period of delay i.e. 1034 days in case the appeal is allowed by this Court. Delay of 1034 in filing the appeal is condoned.

FAO-3017-2018

The present appeal has been preferred by the claimant-appellants against the award dated 19.11.2014 passed by the Motor Accident Claims Tribunal, Sonapat (hereinafter referred to as the 'Tribunal') challenging the quantum of compensation.

Since the factum of the accident is not in dispute, 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.5400/-
2	Annual dependency of the claimants after deduction of 1/3 rd	Rs.43200/-
3	Multiplier of 14	Rs.604800/-
4	Funeral Expenses & Transportation	Rs.25000/-
5.	Loss of consortium & Loss of Estate	Rs.100000/-
	Total Compensation	Rs.729800/-

Learned counsel for the claimant-appellants would contend that the deceased in the present case was 45 years of age at the time of the accident i.e on 10.03.2014. The minimum wage in the State of Haryana prevailing at the time of accident was Rs.5547/-, however, the Tribunal has assessed the income as Rs.5400/- per month. Learned counsel has further stated that a multiplier of 14 has rightly been applied and the deduction also has rightly been applied as 1/3rd. However, no amount has been awarded towards future prospects. As per the law laid down in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]** and **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]** 25% ought to have been added towards future prospects. Learned counsel has fairly conceded that an amount of Rs.1 lakh has been awarded towards consortium, which may be re-worked out, as per the law laid down by the Supreme Court in the cases of **Pranay Sethi (supra), 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.2-Insurance Company has contended that 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 45 years and the Tribunal has assessed the income of the deceased as Rs.5400/- per month. However, at the time of accident, the minimum wage prevailing in the State of Haryana was Rs.5547/- per month, hence the income of the deceased is assessed as Rs.5547/- per month. Multiplier of 14 has rightly been applied and deduction of 1/3rd has also rightly been applied by the Tribunal. However, as per the law laid in the cases of, **Sarla Verma (supra), Pranay Sethi (supra), Magma General Insurance Company Limited (supra)** and **N. Jayasree (supra)**, an addition of 25% would have to be made towards future prospects and the amounts awarded under the head consortium and under the Conventional Head are also to be re-worked out. An amount of Rs.33000/- (16500+16500) is awarded under the conventional heads; the wife and a minor child is awarded 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.66564/-
2	Deduction of 1/3 th share	Rs.44376/- (66564-22188)
3	Future prospects @ 25%	Rs.55470/-(44376+11094)
4	Multiplier of 14	Rs.776580/-
5	Loss of Estate	Rs.16500/-
6	Funeral Expenses	Rs.16500/-
7	Loss of Consortium Parental : Rs.44,000/- Spousal : Rs. 44,000/-	Rs.88000/-

	Total Compensation	Rs.897580/-
	Amount Awarded by the Tribunal	Rs.729800/-
	Enhanced amount	Rs.167780/-

The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% p.a subject to the order passed in **CM-11738-CII-2018** i.e interest for the period of delay (1034 days in filing the appeal) shall not be payable.

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 23, 2023
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(ALKA SARIN)
JUDGE

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