[103] IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH

FAO-343-2018
Date of Decision :02.02.2023

TARA CHAND AND ANR …Appellants

Versus

RAM SINGH AND ORS ….Respondents

Coram : Hon'ble Mr. Justice B.S. Walia

Present : Mr. Navmohit Singh, Advocate for the appellants.

Mr. Ashwani Talwar, Advocate for respondent No.3/Insurance Company.

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B.S. Walia, J. (Oral)

[1] Prayer in the instant appeal is to enhance the compensation of Rs.10,98,400/- awarded by the learned Motor Accident Claims Tribunal, Narnaul (hereinafter referred to as " the Tribunal) by taking into account 40% of the assessed income of the deceased towards future prospects as also by awarding compensation on account of loss of filial consortium, besides, by enhancing the compensation payable on account of loss of estate and funeral expenses.

[2] Learned counsel for respondent No.3/Insurance Company concedes the claim of the appellants but states that the compensation of Rs.20,000/- awarded on account of loss of love and affection is not maintainable.

[3] I have considered the submissions of learned counsel.

[4] Deceased was the son of the appellants/claimants. The learned Tribunal by taking into account the age of the deceased as 24 years, assessing income at Rs.9800/- per month, applying multiplier of

18, making deduction of 50% of the assessed income towards personal expenses of the deceased, assessed monthly dependency of the claimants at Rs.4900/- and total dependency at Rs.10,58,400/- and thereafter, by awarding Rs.10,000/- on account of loss of estate, Rs.10,000/- on account of funeral expenses and Rs.20,000/- on account of love and affection, awarded total compensation of Rs.10,98,400/- whereas as per paragraph No.61(iv) of the decision of Hon'ble the Supreme Court in ***National Insurance Company Ltd. vs. Pranay Sethi and others, 2017 (16) SCC 680***, the deceased being self-employed and 24 years of age, 40% of the assessed income of the deceased was to be taken into account towards future prospects for the purpose of assessing the compensation payable. Likewise, as per paragraph No.61(viii) of the decision in Pranay Sethi's case (Supra), appellants are entitled to Rs.16,500/- on account of loss of estate and like amount on account of funeral expenses, besides, Rs.44,000/- to each of the appellants/claimants towards loss of filial consortium in terms of the decision in ***Magma General Insurance Co. Ltd. vs. Nanu Ram alias Chuhru Ram, 2018 (4) RCR (Civil) 333.***However, the compensation of Rs.20,000/- awarded on account of loss of love and affection is not maintainable in view of the decision of Hon'ble the Supreme Court in ***United India Insurance Company Limited vs. Satinder Kaur and others (2021) 11 SCC 780***.

[5] Accordingly, in the light of the position noted above, details of compensation awarded by the Tribunal and the compensation assessed by this Court are as under :-

Sr. No.	Head	Amount assessed by Tribunal in Rupees	Amount assessed by this Court in Rupees
1.	Income of the deceased as assessed	Rs.9800/- per month	Rs.9800/- per month
2.	Future prospects	Nil	40% of Rs.9800/- = 3920 (Total 9800 + 3920 = Rs.13,720/-)
3.	Deduction towards personal expenses of the deceased	50% of Rs.9800 = Rs.4900/-	50% of Rs.13720/- = Rs.6860/-
4.	Multiplier applied	18	18
5.	Compensation awarded	Rs.4900x12x18 = Rs.10,58,400/-	Rs.6860 x 12 x 18 = 14,81,760/-
6.	Funeral Expenses	Rs.10,000/-	Rs.16500/-
7.	Loss of estate	Rs.10,000/-	Rs.16,500/-
8.	Loss of love and affection	Rs.20,000/-	Nil
9.	Loss of Filial consortium	Nil	Rs.44000/- to each of the appellants/claimants i.e. (Rs. 44000 x 2 = Rs.88000/-)
10.	Interest	7% per annum	7% per annum
Total		**Rs.10,98,400/-**	**Rs.16,02,760/-**

[6] Accordingly, in the light of the position noted above, the appeal is allowed. Award passed by the learned Tribunal is modified and compensation payable to the appellants/claimants is enhanced from Rs. 10,98,400/- to Rs.16,02,760/- along with interest @ 7% per annum (less amount if any already paid). The same be released to the appellants/claimants within four weeks from today.

(B.S. Walia)
Judge

02.02.2023
'Amit'

Whether speaking/ reasoned : Yes/No
Whether reportable : Yes/No

AMIT KHANCHI
2023.02.03 15:43
I attest to the accuracy and
authenticity of this order/ judgment