

IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH
(Sr. No. 223)

(1)

FAO No. 6774 of 2017 (O&M)
Date of Decision : 19.05.2023

Cholamandlam MS General Insurance Company Limited

...Appellant

Versus

Master Aryan and others

...Respondents

(2)

XOBJC-222-CII-2017 in
FAO No. 6774 of 2017
Date of Decision : 19.05.2023

Cholamandlam MS General Insurance Company Limited

...Appellant

Versus

Master Aryan and others

...Respondents

CORAM: HON'BLE MR. JUSTICE HARSIMRAN SINGH SETHI

Present: Mr. Punit Jain, Advocate for the appellant/Insurance Company.

Mr. Charanji Lal, Advocate for respondents No. 1 and 4.

Mr. Rajesh Hooda, Advocate for XOBJC.

Mr. Aakash Juneja, Advocate for respondent No. 3.

Harsimran Singh Sethi J. (Oral)

By the present order, FAO No. 6774 of 2017 as well as
XOBJC-222-CII-2017 are being decided.

Present appeal has been filed challenging the amount of
compensation assessed by the MACT vide Award dated 02.03.2017.

Certain facts needs to be noticed for appreciation of controversy in hand in correct perspective.

It may be noticed that on 30.06.2014, an accident occurred, in which one Sumit Kumar, his wife Rashmi Kiran and his daughter Lakshita died. After the death, separate claims were raised in respect of the death of Sumit Kumar, Rashmi Kiran and Lakshita. The present appeal is relating to the Award given in favour of the claimant in respect of death of Rashmi Kiran. The Tribunal keeping in view the evidence, which came on record, held that keeping in view the death of Rashmi Kiran, the claimant i.e. The minor son-Aryan is entitled for compensation amounting to Rs. 31,25,000/-.

Learned counsel for the appellant-Insurance Company argues that while computing the compensation, the Tribunal has ignored two relevant aspects, which need modification in the present appeal. As per the learned counsel for the Insurance Company, the benefit of future prospects has been given @ 50% even though, the deceased was a house wife, hence, the future prospects could only be calculated @ 40%, due to which fact, Award needs to be modified. Learned counsel for the Insurance Company further argues that while assessing the income of the deceased-Rashmi Kiran, the deductions have not been made even qua the personal expenses of Rashmi Kiran as the total income assessed has been taken into account for calculating the amount of compensation. Learned counsel for the Insurance Company submits that though there is only one claimant but as the family consisted of four, 1/4th deduction should have been made qua the personal expenses while computing the compensation.

Learned counsel for the respondents-claimants concedes the factum and submits that they have no objection in case the Award is

modified to the extent as being claimed in this appeal.

As the arguments of the learned counsel for the Insurance Company has been accepted by the learned counsel for the respondents-claimants, the compensation for which the claimants are entitled for, is as under :-

1.	Income	Assessed - ₹10,000/-
2.	Future increase	40% increase as per latest Supreme Court judgment in case of NIC vs. Pranay Sethi, as deceased was 36 years old (MACT had granted 50%).
3.	Income after future increase	₹10,000 + ₹4,000 = ₹14,000/-
4.	Multiplier	16
5.	Deduction	1/4th (No deduction by MACT)
6.	Dependency after 1/4th deduction	₹14,000 - ₹3,500 = ₹10,500/-
7.	Compensation	₹10,500 x 12 x 16 = ₹20,16,000/-
8.	Loss of Consortium	NIL
9.	Loss of Estate	NIL
10.	Loss of Love and affection to minor son granted by MACT =	₹2,00,000- 2,00,000/-
11.	Funeral Expenses	₹25,000/-
12.	Medical Expenses	₹20,000/-
13.	Total compensation	₹20,16,000 + ₹2,00,000 + ₹25,000 + ₹20,000 = ₹22,61,000/-
14.	Total Compensation	₹22,61,000/-
15.	Interest	7.5% from 23.12.2014 till date of payment
16.	Compensation awarded by MACT	₹31,25,000/-
17.	Amount to be reduced	₹31,25,000 – ₹22,61,000 = ₹8,64,000/-

The present appeal as well as the cross-objections are disposed of in above terms.

CM-22132-CII-2017

As the main appeal is disposed of, the present application also stands disposed of.

May 19, 2023
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(HARSIMRAN SINGH SETHI)
JUDGE

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