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

-.-

**FAO No.7814 of 2017(O&M)
Date of Decision : 10.03.2023**

Mamta and Others

....Appellants

VERSUS

Rajender Singh and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Dheeraj Narula, Advocate for the appellants.

Mr. Shubham Gupta, Advocate for respondent No.4.

ALKA SARIN, J. (Oral)

The present appeal has been preferred by the claimant-appellants against the award dated 23.03.2017 passed by the Motor Accident Claims Tribunal, Sirsa (hereinafter referred to as the 'Tribunal') challenging the quantum of compensation awarded by the Tribunal. Since the factum of the accident is not in dispute, the facts of the case are not being adverted to for the sake of brevity.

The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income of the deceased	Rs.9450/-
2	Deduction	Rs.7087.50/- (9450-2362.5)
3	Annual Income	Rs.85050/- (7087.5 x 12)
4	Multiplier of 17	Rs.1445850/- (85050 x 17)
5	Funeral expenses and Transportation	Rs.10,000/-
6	Loss of Consortium, love and affection, Pains and sufferings	Rs.25,000/-
	Total Compensation	Rs.14,80,850/-

Learned counsel for the claimant-appellants has relied upon the decisions by the Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]**; **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**; **Magma General Insurance Company Limited vs. Nanu Ram alias Chuhru Ram & Ors. [(2018) 18 SCC 130]**; and **N. Jayasree & Ors. vs. Cholanmandalam M.S General Insurance Company Ltd. [2021 (4) RCR (Civil) 642]** to contend that though the income of the deceased has rightly been assessed and the multiplier and deduction has also correctly been applied, however no amount has been awarded towards future prospects. Learned counsel for the claimant-appellants would further contend that even under the conventional heads the amounts awarded are on the lower side.

Per contra, the learned counsel for the respondents contends that sufficient amount has already been awarded and there is no ground for enhancement.

I have heard learned counsel for the parties.

In the present case, keeping in view the age of the deceased, the multiplier of 17 has rightly been applied and a deduction of 1/4th has

also rightly been made. However, no amount has been awarded towards future prospects. Keeping in view the age of the deceased, who was 29 years at the time of accident, an addition of 40% would be required to be made under the head future prospects. Further, as per the settled law, the claimant-appellants would be entitled to an amount of Rs.16,500/- towards loss of estate and Rs.16,500/- towards funeral expenses under the conventional heads and Rs.44,000/- (each) as spousal/parental/filial consortium.

In view of the above, the re-assessed compensation is as under

Sr. No.	Heads	Compensation Awarded
1	Annual Income of the deceased	Rs.1,13,400/- (9450 x12)
2	Deduction of 1/4 th	Rs.85,050/-(113400-28350)
3	Future prospects @ 40%	Rs.1,19,070/- (85050 + 34020)
4	Multiplier of 17	Rs.20,24,190/-
5	Loss of Estate	Rs.16,500/-
6	Funeral Expenses	Rs.16,500/-
7	Loss of Consortium Parental : Rs.44000/- Spousal : Rs.44000/- Filial : Rs.44000/- x 2 (Rs.88000)	Rs.1,76,000/-
	Total Compensation	Rs.22,33,190/-
	Amount Awarded by the Tribunal	Rs.14,80,850/-
	Enhanced amount	Rs.7,52,340/-

The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 9% per annum from the date of filing of the claim petition till realization of the entire amount. The claimant-appellant No.4 would be entitled to Rs.44,000/- under the head Consortium (Filial), along with interest, while the remaining amount,

along with interest, shall be apportioned equally amongst the claimant-appellants Nos.1, 2 and 3.

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.

March 10, 2023
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(ALKA SARIN)
JUDGE

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