

IN THE HIGH COURT OF PUNJAB AND HARYANA AT  
CHANDIGARH

-.-

FAO No.6526 of 2018 (O&M)  
Date of Decision : 28.02.2023

Chameli Devi (since deceased) through her LRs .....Appellants

VERSUS

Radhey Shyam and Others .....Respondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rajesh Goyal, Advocate for the appellant/claimants.  
Mr. Vinod Gupta, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

The present appeal has been preferred by the claimant-appellants against the award dated 17.08.2017 passed by the Motor Accident Claims Tribunal, Panipat (hereinafter referred to as the ‘Tribunal’). The only dispute in the present case is qua the quantum of compensation awarded by the Tribunal. Since the factum of the accident is not in dispute the facts are not being adverted to for the sake of brevity.

The Tribunal awarded the following compensation :

| Sr. No. | Heads                                                                   | Compensation Awarded |
|---------|-------------------------------------------------------------------------|----------------------|
| 1       | Monthly Income of the deceased                                          | Rs.5200/-            |
| 2       | Annual dependency of the claimants after deduction of 1/2 <sup>th</sup> | Rs.31200/-           |
| 3       | Multiplier of 14                                                        | Rs.436800/-          |
| 4       | Funeral Expenses                                                        | Rs.25000/-           |
|         | <b>Total Compensation</b>                                               | <b>Rs.4,61,800/-</b> |

Learned counsel for the claimant-appellants would contend that the income of the deceased has wrongly been assessed as Rs.5200/- as per the minimum wages as the deceased was working as a Manager in a hotel and was earning an amount of Rs.15000/- per month. It is further the contention that no amount has been awarded towards future prospects as per the law laid down in the case of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**. Also no amount has been awarded under the Head consortium and the amount awarded under the Conventional Heads is also on the lower side and is not in consonance with the law laid down in the cases of **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 there is no evidence on the record qua the fact that the deceased was working as a Manager in a Hotel and was earning Rs.15000/- and the income has rightly been assessed as Rs. 5200/- per month as per the minimum wages prevailing at that point of time.

I have heard learned counsel for the parties.

In the present case the age of the deceased was 45 years at the time of accident. The Tribunal has rightly applied a multiplier of 14 and has assessed his income as Rs.5200/- per month as per the minimum wages. The argument of the learned counsel for the claimant-appellants that the deceased was working as a Manager in a Hotel and was earning Rs.15,000/- per month deserves to be rejected on the ground that there is no evidence at

all to show that the deceased was working as a Manager in a Hotel. In view of the same, the salary of the deceased as assessed by the Tribunal is maintained. However, as per the law laid down by the Supreme Court in the case of *Pranay Sethi (supra)* no amount has been awarded towards future prospects. Keeping in view the age of the deceased, which was 45 years, an addition of 25% has to be made towards future prospects. 50% deduction has rightly been applied by the Tribunal since the deceased was a bachelor. Multiplier has also been rightly applied. However, no amount has been awarded towards consortium as also the amount awarded under the conventional heads is on the lower side.

Keeping in view the above and the law laid down by the Supreme Court in the cases of *Pranay Sethi (supra)*, *Magma General Insurance Company Limited (supra)* and *N. Jayasree (supra)*, the re-assessed compensation is as under :

| Sr. No. | Heads                                                | Compensation Awarded    |
|---------|------------------------------------------------------|-------------------------|
| 1       | Annual Income of the deceased                        | Rs.62400/-              |
| 2       | Deduction of 1/2 <sup>th</sup> share                 | Rs.31200/-              |
| 3       | Future prospects @ 25%                               | Rs.39000/- (31200+7800) |
| 4       | Multiplier of 14                                     | Rs.546000/-             |
| 5       | Loss of Estate                                       | Rs.16500/-              |
| 6       | Funeral Expenses                                     | Rs.16500/-              |
| 7       | Loss of Consortium<br>Filial : Rs.132000/- (44000x3) | Rs.132000/-             |
|         | <b>Total Compensation</b>                            | <b>Rs.711000/-</b>      |
|         | <b>Amount Awarded by the Tribunal</b>                | <b>Rs.461800/-</b>      |
|         | <b>Enhanced amount</b>                               | <b>Rs.249200/-</b>      |

The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum 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 28, 2023**  
tripti

**(ALKA SARIN)**  
**JUDGE**

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