



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-2321-2000 (O&M)
Date of Decision : 27.11.2024

Smt. Dalbir Kaur and Others

....Appellants

VERSUS

Rajpal and Others

....Respondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Perna Malhotra, Advocate
 Legal Aid Counsel for the appellants.

Mr. Aseem Aggarwal, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been filed by the claimants challenging the quantum of compensation awarded by the Motor Accident Claims Tribunal, Amritsar (hereinafter referred to as the ‘Tribunal’) vide award dated 03.11.1999.
2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being adverted to for the sake of brevity. The Tribunal in the present case awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	Rs.3,614/-
2	Monthly income after applying 1/4 th deduction	Rs.2,700/-
3	Annual income	[Rs.2,700 x 12] = Rs.32,400/-
4	Multiplier – 15	[Rs.32,400 x 15] = Rs.4,86,000/-
	Total Compensation	Rs.4,86,000/-

3. Learned counsel for the claimant-appellants would contend that though the income of the deceased has rightly been assessed as Rs.3,614/- per month, however, deduction of 1/4th and a multiplier of '15' have wrongly been applied. Further, no addition has been made towards loss of future prospects and no amount has been awarded under the conventional heads as well as under the head 'loss of consortium'. In support of her contentions, she has relied upon the judgments of the Hon'ble 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. Cholamandalam M.S General Insurance Company Ltd.** [2021(4) RCR (Civil) 642].

4. *Per contra* learned counsel for respondent No.3-Insurance Company would contend that sufficient amount of compensation has already been awarded and hence there is no scope of any further enhancement.

5. Heard.

6. In the present case the Tribunal has assessed the income of the deceased as Rs.3,614/- per month. However, a deduction of 1/4th has wrongly been applied. In the present case, there are 7 claimants and hence, as per the law laid down by the Hon'ble Supreme Court in case of **Pranay Sethi** (*supra*), a deduction of 1/5th would be applicable. The deceased in the present case was 30 years of age at the time his death and hence, as per the judgment of Hon'ble Supreme Court in case of **Sarla Verma** (*supra*), a multiplier of '17' ought to have been applied. Further, no addition has been

made towards loss of future prospects. The deceased in the present case was 30 years of age and as per the law laid down by the Hon’ble Supreme Court in case of **Pranay Sethi** (*supra*), an addition of 40% ought to have been made towards loss of future prospects. Further, no amount has been awarded under the conventional heads as well as under the head ‘loss of consortium’ and hence, in view of the law laid down by the Hon’ble Supreme Court in the cases of **Pranay Sethi** (*supra*), **Magma General Insurance Company Limited** (*supra*) and **N. Jayasree** (*supra*), the claimant-appellants would be entitled to Rs.18,000/- (Rs.15,000+20% increase) towards loss of estate and Rs.18,000/- (Rs.15,000+20% increase) towards funeral expenses and further to an amount of Rs.48,000/- each (Rs.40,000+20% increase) towards loss of consortium.

7. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	Rs.3,614/-
2	Annual Income	[Rs.3,614 x 12] = Rs.43,368/-
3	Deduction – 1/5 th	[Rs.43,368 – 8,674] = Rs.34,694/-
4	Future Prospects - 40%	[Rs.34,694 + 13,878] = Rs.48,572/-
5	Multiplier - 17	[Rs.48,572 x 17] = Rs.8,25,724/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	<u>Loss of consortium</u> (i) Spousal (ii) Filial (iii) Parental	Rs.48,000/- Rs.48,000/- [Rs.48,000 x 5] = 2,40,000
	Total	Rs.11,97,724/-

8. 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 the realization of the entire amount. The enhanced amount of compensation shall be apportioned amongst the claimant-appellants as directed by the Tribunal.

9. In view of the above discussion, both the appeals filed by the claimants are disposed off in the above terms. The award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

27.11.2024
jk

(ALKA SARIN)
JUDGE

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