201

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

FAO-388-2004(O&M)
Date of Decision: 17.12.2024

Smt. Manjit Kaur and ors . . . . Appellants

Vs.

Surinder Singh and others . . . . Respondents

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CORAM: HON'BLE MR. JUSTICE SANJAY VASHISTH

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Present: Mr. A.S. Gill, Advocate for the appellants.

Mr. Suman Jain, Advocate and
Mr. Neeraj Khanna, Advocate
for respondent No.3/Insurance Company

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SANJAY VASHISTH, J.(Oral)

1. Appellants (hereinafter referred as 'claimants') have filed the instant appeal for modification of the award dated 06.09.2003, whereby learned Motor Accident Claims Tribunal, Kapurthala (for short 'learned MACT') awarded the compensation amount to the tune of Rs.3,86,000/- in favour of the claimants in equal shares alongwith interest @ 9% per annum from the date of filing of the claim petition till its realization. However, feeling dissatisfied with the award, present appeal has been filed for enhancement of the compensation amount.

2. Deceased-Gurinderjit Singh Jhaj, was 58 years old at the time of accident which took place on 16.04.2002 .He had retired as Additional District and Sessions Judge, and was receiving a pension of approximately Rs.6,000/- per month. Learned counsel for the appellants submits that there is no dispute regarding the pension amount received by deceased during his lifetime. However, considering the fact that the deceased was undisputedly 58 years old at the time of accident, the multiplier of 9 is required to be applied instead of 8.

Ld. Counsel for the appellants further submits that compensation is required to be enhanced keeping in view the law/guidelines laid down by Hon'ble Apex Court in ***Smt. Sarla Verma & Ors. v. Delhi Transport Corporation & Anr., (2009) 6 SCC 121***, and ***National Insurance Company Limited v. Pranay Sethi and Others, 2017 (4) RCR (Civil) 1009 : Law finder Doc ID #918174***.

3. On the other hand learned counsel for respondent/Insurance Company without disputing the principle of law laid down by the Hon'ble Apex Court as relied upon by the claimants, submits that already adequate amount of compensation has been awarded and nothing is required to be enhanced, thus, no interference is required.

4. After examining the reasons detailed in the award and hearing learned counsel for the parties, this Court now proceeds to calculate/modify amount of compensation to be awarded to the claimants.

Deceased was retired Additional District and Sessions Judge and receiving a pension of Rs.6,000/- per month. Further, an addition of 15% on the account of 'future prospects' has to be made and total per month earnings comes out to be Rs.6,000/- + Rs.900/-(15% of Rs.6,000/-)=Rs.6,900/-. Taking into consideration, the number of dependents, $1/3^{rd}$ would require to be deducted on account of 'personal expenses', which is to the extent of

Rs.2,300/- and the residue amount works out to be Rs.4,600 /- per month and annual income comes out to be Rs.55,200 /-.

Considering the age of the deceased 58 years as per **Smt. Sarla Verma & Ors. Vs Delhi Transport Corporation & Anr., (2009) 6 SCC 121**, the appropriate multiplier of '9' is required to be applied, instead of '8' and after, so applying this multiplier, the loss of dependency comes to be Rs.55,200 /- x 9 = Rs.4,96,800 /-.

5. Rest of the parameters are assessed and calculated in accordance with the judgment of this Court titled as **Sangtari Muleem v. Karnail Singh, 2024(4) RCR(Civil) 5 Law Finder Doc Id # 2270482**, which is in consonance with the settled proposition of law laid down by the Apex Court in **Pranay Sethi's case (supra)**, and **Smt. Sarla Verma's case (supra)** and **Smt. Anjali and others v. Lokendra Rathod and others, 2023 (1) R.C.R. (Civil) 229 : Law Finder Doc Id #2081014**.

Claimants are entitled for Rs. 25,000/- as compensation under the head of funeral expenses and Rs.20,000/- towards loss of estate**.** Loss of consortium is to be awarded to the tune of Rs.48,400/- to each of the claimants/appellants.

6. For the sake of convenience, amount of compensation assessed and calculated by this Court is reproduced here below in a tabular form:

Sr. No.	**HEADS**	**Compensation awarded by the High Court**
1.	Income	Rs.6,000 /-per month
2.	Future Prospects	15%
3.	Deduction towards personal	1/3rd

	expenses	
4.	Total Annual Income	Rs. 55,200/-
5.	Multiplier	9
6.	Loss of Dependency	Rs.4,96,800 /-
7.	Funeral Expenses	Rs.25,000/-
8.	Loss of Estate	Rs.20,000/-
9.	Loss of Spousal Consortium	Rs.48,400/-
10.	Loss of Parental Consortium	Rs.96,800/- (48,400x2)
11.	Loss of filial Consortium	nil
12.	Total Compensation to be Paid	Rs.6,87,000 /-

7. Thus, keeping in view the aims and objects of the beneficial legislation of providing relief to the victims or their families, the total compensation payable to the appellant(s)/claimant(s) is enhanced to **Rs.6,87,000/- (Rupees Six Lacs Eighty-Seven thousand only).**

8. The awarded compensation shall be paid to the claimants/appellants within a period of three months from the date of this order**,** along with interest @ 7.5% per annum from the date of filing of claim petition till the date of payment of compensation to the appellants/claimants, with the same terms, which have been mentioned by the learned Tribunal.

It is further clarified that in case compensation amount is not paid within aforementioned stipulated period, rate of interest would be 9% p.a. from the date of filing of claim petition till its actual realization.

And, in case any further delay is caused beyond six months from today, compensation amount would be payable along with interest @12% p.a. from the date of filing claim application till its actual realization.

9. **Distribution of Compensation amount**: Widow of the deceased bears the most profound emotional and economic burden after losing her husband. Therefore, acknowledging her significant role and impact of loss, major part of compensation i.e. 50% (fifty per cent) would be paid to her, and remaining 50% of the compensation shall be shared among the remaining claimants/children of the deceased equally.

10. Needless to mention that out of the total payable compensation amount, already paid amount (if any) in compliance to the impugned award would be adjusted.

11. Therefore, by partly modifying the award, appeals are allowed with the terms indicated here-above.

(SANJAY VASHISTH)
JUDGE

December 17, 2024
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1. Whether speaking/reasoned? ***Yes/No***
2. Whether reportable? ***Yes/No***