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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****FAO-1145-2005 (O&M)**
Date of decision : 15.05.2024

Savita Devi & Ors.

... Appellant(s)

Versus

Amarjeet & Ors.

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present: Mr. Rose Gupta, Advocate and
Ms. Hardeep Kaur, Advocate for the appellants.

Mr. Satpal Dhamija, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)**CM-27861-CII-2018**

1. This is an application for taking up the main case at the earliest.
2. Notice of the application.
3. Mr. Satpal Dhamija, Advocate accepts notice on behalf of respondent No.3-Insurance Company and states that he has no objection if the main case is taken up.
4. In view of the above and for the reasons stated in the application, the same is allowed. With the consent of the learned counsel for the parties, the main case (**FAO-1145-2005**) is taken on Board today itself.

FAO-1145-2005

5. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Hissar (hereinafter referred to as 'Tribunal') vide



award dated 08.05.2004.

6. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being reproduced herein for the sake of brevity.

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

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	Rs.3,000/-
2	Annual Income	[Rs.3,000x12]=Rs.36,000/-
3	Deduction 1/3 rd	[Rs.36,000-12,000] =Rs.24,000/-
4	Multiplier - 15	[Rs.24,000x15]=Rs.3,60,000/-
5	Funeral expenses	Rs.10,000/-
6	Loss of consortium	Rs.5,000/-
7	Total Compensation	Rs.3,75,000/-
	Interest	9% per annum

8. Learned counsel for the claimant-appellants would contend that though the income of the deceased was rightly assessed as Rs.3,000/- per month, however, multiplier of ‘15’ has wrongly been applied by the Tribunal, whereas it ought to have been ‘16’ keeping in view the age of the deceased being 33 years at the time of the accident. It is further the contention of the learned counsel that deduction of 1/3rd has wrongly been applied by the Tribunal, whereas it ought to have been 1/4th as there were five dependents. It is further the contention of the learned counsel that no addition has been made towards future prospects which ought to have been 40% and that the amount awarded under the conventional heads as well as under the head ‘loss of consortium’ are also not in accordance with the law laid down by the Hon’ble Supreme Court. In support of his contentions, he 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].

9. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

10. I have heard the learned counsel for the parties.

11. In the present case the Tribunal has though rightly assessed the income of the deceased as Rs.3,000/- per month, however, a multiplier of '15' has wrongly been applied and hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), multiplier '16' would be applicable keeping in view the age of the deceased being 33 years at the time of the accident. Deduction of 1/3rd in the present case has also wrongly applied and hence keeping in view the fact that there were five dependents, a deduction of 1/4th would be applicable. Further, no addition has been made towards future prospects and hence as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), 40% addition is made towards future prospects and the amount awarded under the conventional heads and under the head 'loss of consortium' is not as per 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) and hence, 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 the claimant-appellants would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	Rs.3,000/-
2	Annual Income	[Rs.3,000x12]=Rs.36,000/-
3	Deduction 1/4 th	[Rs.36,000-9,000]=Rs.27,000/-
4	Future Prospects - 40%	[Rs.27,000+10,800]=Rs.37,800/-
5	Multiplier - 16	[Rs.37,800x16]=Rs.6,04,800/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of consortium (i) Parental (ii) Spousal	[Rs.48,000/-x4]=Rs.1,92,000/- Rs.48,000/- (Total Rs.2,40,000/-)
	Total Compensation	Rs.8,80,800/-

12. 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 the realization of the entire amount. The amount shall be apportioned between the claimants as directed by the Tribunal.

13. 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.

15.05.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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