

R-347
IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-4085-2006 (O&M)
Date of decision : 18.01.2024

Sunita Sikka and Ors. ... Appellant(s)

Versus

Ranjit Singh and Ors. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vivek Suri, Advocate for the appellants.
Mr. Suvir Dewan, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellants challenging the award dated 02.06.2006 passed by the Motor Accident Claims Tribunal, Panchkula (hereinafter referred to as ‘Tribunal’).
2. 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.
3. 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.3,000 x 12] = Rs.36,000/-

3	Deduction 1/3 rd	[Rs.36,000 – 12,000] = Rs.24,000/-
4	Multiplier of 13	[Rs.24,000 x 13] = Rs.3,12,000/-
5	Funeral expenses	Rs.10,000/-
6	Total Compensation	Rs.3,22,000/-
	Interest	6% per annum

4. Learned counsel for the claimant-appellants would contend that the deceased in the present case was 36 years of age and there were four persons who were dependent upon him. It is further the contention that the Tribunal has wrongly applied a deduction of 1/3rd, whereas a deduction of 1/4th ought to have been applied since number of dependents were four. Learned counsel would further contend that no amount has been awarded as future prospects, whereas it should have been 40%. It is further contended that a multiplier of ‘13’ has erroneously been applied, whereas the same ought to have been ‘15’ keeping in view the age of the deceased. It is further the contention of the learned counsel that no amounts under the conventional heads i.e. loss of estate and loss of consortium have been awarded and that the amount awarded towards funeral expenses i.e. Rs.10,000/- is also on the lower side. In support of his contentions the learned counsel for the claimant-appellants has relied upon the judgments of the Hon’ble Supreme Court in the cases of **Sarla Verma and Ors. Vs. Delhi Transport Corporation and Anr. [2009(3) RCR (CIVIL) 77]**; **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].

5. *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.

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

7. In the present case the Tribunal has correctly assessed the income of the deceased as Rs.3,000/- per month. As per the judgments of the Hon’ble Supreme Court in the cases of **Sarla Verma** (supra), **Pranay Sethi** (supra), **Magma General Insurance Company Limited** (supra) and **N. Jayasree** (supra), deduction of 1/4th instead of 1/3rd is applied keeping in view the number of dependents and future prospects to the extent of 40% are awarded. Further, multiplier of ‘15’ instead of ‘13’ is applied keeping in view the age of the deceased. 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 (widow, two children and mother of the deceased) would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of consortium.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	Rs.3,000/-
2	Annual Income	[Rs.3,000 x 12] = 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 of 15	[Rs.37,800 x 15] = Rs.5,67,000/-

6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of Consortium : (i) Parental (ii) Spousal's (iii) Filial	Rs.96,000/- (Rs.48,000x2) Rs.48,000/- Rs.48,000/- (Total Rs.1,92,000/-)
9	Total Compensation	Rs.7,95,000/-

9. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 6% 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 claimant-appellants as directed by the Tribunal, except for the amount awarded under the head loss of consortium, which shall be payable to the claimants as awarded by this Court.

10. 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.

18.01.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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