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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-4922-2008 (O&M)
Date of decision : 19.04.2024

Charan Kaur ...Appellant(s)

Versus

Kirpal Singh & Anr. ...Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Tushar Verma, Advocate for
Mr. Sanjiv Gupta, Advocate for the appellant.

Service of respondent No.1 dispensed with
vide order dated 18.08.2009.

Mr. Rahul Pathania, Advocate for respondent No.2.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellant aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Patiala vide award dated 24.05.2008.
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. Learned counsel for the claimant-appellant has not laid any challenge to the income of the deceased as well as to the deduction as applied by the Tribunal. However, the learned counsel would contend that

no addition has been made towards future prospects which ought to have been 10% and further that multiplier of ‘6’ has wrongly been applied by the Tribunal, whereas it ought to have been ‘9’ keeping in view the age of the deceased being 60 years at the time of the accident. It is further the contention of the learned counsel that the amounts 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. It is further the contention of the learned counsel that even the interest is on the lower side. 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]**.

4. *Per contra*, the learned counsel for respondent No.2-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.

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

6. In the present case, the Tribunal 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 - 6	[Rs.24,000x6]=Rs.1,44,000/-
5	Funeral expenses	Rs.6,000/-
6	Loss of consortium	Rs.10,000/-
7	Total Compensation	Rs.1,60,000/-
	Interest	6%

7. In the present case, since no challenge has been laid to the income of the deceased as well as to the deduction, hence, the income of the deceased is maintained as Rs.3,000/- per month as also the 1/3rd deduction. 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), 10% addition is made towards future prospects keeping in view the age of the deceased being 60 years. Multiplier of ‘6’ 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), a multiplier of ‘9’ ought to have been applied. Further, the amounts awarded under the conventional heads and under the head ‘loss of consortium’ are 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-appellant 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-appellant i.e. wife of the deceased would also be entitled to Rs.48,000/-

(Rs.40,000+20% increase) towards loss of consortium. Further, interest @ 6% per annum as awarded by the Tribunal is on the lower side and hence the same is enhanced to 7.5% per annum. 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 1/3 rd	[Rs.36,000-12,000]=Rs.24,000/-
4	Future Prospects - 10%	[Rs.24,000+2,400]=Rs.26,400/-
5	Multiplier - 9	[Rs.26,400x9]=Rs.2,37,600/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of consortium (i) Spousal's	Rs.48,000/-
	Total Compensation	Rs.3,21,600/-

8. The amount awarded by the Tribunal as well as 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.

9. 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.

19.04.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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