



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-1190-2010 (O&M)
Date of Decision : 26.11.2024

Vimla Devi & Ors ... Appellant(s)
Versus
Ashok Kumar & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Prashant Kapila, Advocate for the appellants.
Mr. Narender Kumar Vashist, Senior Panel Counsel,
for respondent Nos.2 and 3 – UOI.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Yamuna Nagar vide award dated 30.09.2009.
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.3,300/-
2	Deduction 2/3 rd (before marriage)	Rs.3,300x2/3 rd x 12 x 5 = Rs.1,32,000/-
3	Deduction 1/3 rd (after marriage)	Rs.3,300x1/3 rd x 12 x 10 = Rs.1,32,000/-
4	Funeral expenses	Rs.20,000/-
	Total Compensation	Rs.2,84,000/-
	Interest	7.5% per annum

4. Learned counsel for the claimant-appellants would contend that the Tribunal has though rightly assessed the income of the deceased as Rs.3,300/- per month, however, multiplier of 15 has wrongly been applied by the Tribunal, whereas it ought to have been 18 keeping in view the age of the deceased being 22 years at the time of the accident. It is further the contention of the learned counsel that no addition has been made towards future prospects which ought to have been 40%. The learned counsel for the claimant-appellants has fairly submitted that the Tribunal has wrongly applied deduction in two segments, one before marriage and the other after marriage, and deduction ought to have been 50% as the deceased was a Bachelor. It is further the contention of the learned counsel for the claimant-appellants that no amount has been awarded under the head 'loss of consortium' and further that the amount awarded under the conventional heads is also 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 **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. Chola Mandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra*, the learned counsel for the respondent Nos.2 and 3 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 though rightly assessed the income of the deceased as Rs.3,300/- per month, however, 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 18 would be applicable keeping in view the age of the deceased being 22 years at the time of the accident. The Tribunal has also erred in applying deduction in two segments i.e. one before marriage and the other after marriage and, hence, deduction to the extent of 50% would have to be applied in the present case as the deceased was a Bachelor. Further, no addition has been made towards future prospects and, thus, 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. The amount awarded under the conventional heads is on the lower side and no amount has been awarded under the head 'loss of consortium' and, hence, 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), 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 claimants (parents, two brothers and one sister of the deceased) 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.3,300/-
2	Annual Income	[Rs.3,300x12]=Rs.39,600/-
3	Deduction 50%	[Rs.39,600-19,800]=Rs.19,800/-
4	Future Prospects - 40%	[Rs.19,800+7,920]=Rs.27,720/-
5	Multiplier - 18	[Rs.27,720x18]=Rs.4,98,960/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of consortium (i) Filial	[Rs.48,000/-x5]=Rs.2,40,000/-
	Total Compensation	Rs.7,74,960/-

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 amount shall be apportioned between the claimants as directed by the Tribunal.

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.

26.11.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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