

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-2686-2010 (O&M)
Date of Decision: March 06, 2024

Tarsem Singh and another
...Appellants

VERSUS

Bhutto @ Sokat Ali and others
...Respondents

CORAM: HON'BLE MRS. JUSTICE ARCHANA PURI

Present: Mr.Jatin Bansal, Advocate
for the appellants.

Mr.Radhey Shyam Sharma, Advocate
for respondent No.3.

ARCHANA PURI, J.

The present appeal has been filed by the appellants-claimants, thereby, seeking enhancement of the compensation awarded by learned Motor Accident Claims Tribunal, on account of death of Amanpreet Kaur, daughter of the claimants, in a motor vehicular accident, which took place on 11.06.2007.

On perusal of the evidence on record, learned Tribunal had taken the income of the deceased Amanpreet Kaur, aged 19 years, as Rs.3000/- per month. After deducting 1/3rd towards personal expenses, the dependency of the parents of the deceased, was assessed to be Rs.2000/- per month, which comes to be Rs.24,000/- per annum. Also, multiplier of ‘5’

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was applied and the compensation was worked upon as Rs.1,20,000/-. Besides the same, a sum of Rs.5000/- was awarded towards medical expenses and another sum of Rs.5000/- was awarded towards last rites and bhog ceremony. In total, the compensation awarded was Rs.1,30,000/-.

Being dissatisfied with the extent of compensation, so granted, the appellants-claimants, who are parents of the deceased, have filed the present appeal, for seeking enhancement.

Be it noted that no such appeal has been filed by any of the respondents, upon whom the liability was fastened.

While making reference to the evidence adduced before learned Tribunal, it has been submitted by learned counsel for the appellants that though, the appellants do not dispute about the extent of income of the deceased, but however, it is submitted that various counts, which ought to be taken note of, while working upon the compensation, have been given amiss, as a result whereof, the compensation worked upon is miserably on a lower side, which calls for extensive enhancement.

On the other hand, learned counsel for the insurance company has resisted the claim of the appellants and he submits that on the basis of the evidence adduced, the compensation worked upon by learned Tribunal is just and reasonable and therefore, appeal should be dismissed.

From the educational certificates, proved in evidence, it is evident that date of birth of the deceased was 14.02.1989 and thus, at the time of death, Amanpreet Kaur was in the age bracket of 18-19 years. Though, in the petition, it was asserted that the deceased was working as Computer Operator and student and was doing job with Imperial Document

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and Type College and earning Rs.6,000/- per month, however, the earnings of the deceased were taken as Rs.3,000/- per month by learned Tribunal and this extent of earnings, as such, is not challenged by the appellants-claimants. However, they claim that the compensation worked upon the basis of this extent of earnings, calls for enhancement, as per the prevalent settled law.

In the light of the same, the extent of compensation, as worked upon by learned Tribunal, definitely calls for re-computation. Thus, considering the same, while taking the earnings as Rs.3000/- per month, more particularly, keeping in view the educational inputs, as evident from the educational certificates, coming on record, further compensation ought to be worked upon.

Now, on the said extent of income, keeping in view the age of the deceased, addition of 40%, on the count of 'future prospects' ought to be made. Thus, the monthly income works upon as $\text{Rs.3000} + \text{Rs.1200}(40\%) = \text{Rs.4200/-}$. The deceased was an unmarried girl. Considering the same, on the count of 'personal expenses' deduction to the extent of 50% ought to be made and thus, the monthly dependency is worked upon as Rs.2100/-, annual whereof, comes to be Rs.25,200/-.

Considering the age of the deceased, as per *Sarla Verma's case*, appropriate and suitable multiplier, to be applied is '18' and by applying the same, the loss of dependency, works out to be $\text{Rs.25200} \times 18 = \text{Rs.4,53,600/-}$.

Besides the aforesaid, under the conventional heads, as per *Pranay Sethi's case (supra)*, the compensation ought to be paid, on the count of 'loss of consortium', 'loss of estate' and 'funeral expenses'. As per

'Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others, 2018 (18) SCC 130', whosoever are the dependents of the deceased, are entitled to 'parental', 'spousal' or 'filial' consortium, as required.

In view of the same, both the appellants are entitled to compensation, on the aforesaid counts. However, taking into consideration the enhancement as provided in *Pranay Sethi's case (supra)*, to the extent of 10%, after every three years of passing of the judgment, the compensation payable, on the count of 'loss of consortium' is to the extent of **Rs.48,400/-**, to each of the appellants-claimants and on the similar pattern, on the counts of 'loss of estate' and 'funeral expenses', the compensation payable, comes to be **Rs.18,150/-**, on each count.

Considering the same, the compensation payable to appellants-claimants on account of death of Amanpreet Kaur, is computed, as herein given:-

Loss of dependency	:	Rs.4,53,600/-
Loss of consortium	:	Rs.96,800/-
Loss of estate	:	Rs.18,150/-
Funeral expenses	:	Rs.18,150/-
Total	:	Rs.5,86,700/-

As such, the enhanced compensation, after the deduction of compensation awarded by the Tribunal comes to be **Rs.5,86,700-1,30,000=Rs.4,56,700/-**. On the enhanced amount of the compensation i.e. **Rs.4,56,700/-**, the appellants-claimants shall be entitled to the interest, at the rate of 6% per annum, from the date of filing of the present appeal, till realization of the enhanced amount of compensation. The residue terms of

the Award, as ordered by learned Tribunal, shall remain the same.

With the above observations, the present appeal stands allowed.

March 06, 2024
Vgulati

(ARCHANA PURI)
JUDGE

Whether speaking/reasoned
Whether reportable

Yes
Yes/No