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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-6320-2010 (O&M)
Date of decision : 25.01.2024

Raj Bala & Anr. ... Appellant(s)

Versus

Ravinder @ Vinod & Ors. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gulshan Nandwani, Advocate for the appellants.

Mr. Subhash Goyal, Advocate with
Mr. Vipul Sharma, Advocate for respondent No.3.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellants challenging the award dated 10.04.2010 passed by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as ‘the 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.1,500/-
2	Annual income	[Rs.1,500 x 12] = Rs.18,000/-

3	Multiplier of 16	[Rs.18,000 x 16] = Rs.2,88,000/-
4	Total Compensation	Rs.2,88,000/-
	Interest	6% per annum

4. Learned counsel for the claimant-appellants would contend that the minimum wage of an unskilled worker at the time of the accident was Rs.3,840/- per month, however, the Tribunal has wrongly assessed the income of the deceased as Rs.1,500/- per month. It is further the contention of the learned counsel that the multiplier has also been wrongly applied as 16, whereas it should have been 18 and that no amounts have been awarded towards future prospects as well as under the conventional heads and under the head ‘loss of consortium’. 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 & Ors. vs. Delhi Transport Corporation & Anr., 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 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 wrongly assessed the

income of the deceased as Rs.1,500/- per month as the minimum wage of an unskilled worker at the time of the accident was Rs.3,840/- per month and hence the income of the deceased is assessed as Rs.3,840/- per month. No amount has been awarded towards loss of 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. The multiplier of 16 as assessed by the Tribunal is also not as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra) and accordingly, the same is applied as 18. Further, no amount has been awarded under the conventional heads and under the head ‘loss of consortium’ and accordingly 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 claimant-appellants (parents 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.3,840/-
2	Annual income	[Rs.3,840 x 12] = Rs.46,080/-
3	Deduction ½	[Rs.46,080 - 23,040] = Rs.23,040/-
4	Future prospects @ 40%	[Rs.23,040 + 9,216] = Rs.32,256/-
5	Multiplier of 18	[Rs.32,256 x 18] = Rs.5,80,608/-

6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of Consortium : (i) Filial	Rs.96,000/- (48,000 x 2)
9	Total Compensation	Rs.7,12,608/-
10	Amount Awarded by the Tribunal	Rs.2,88,000/-
	Enhanced amount	Rs.4,24,608/-

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.

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.

25.01.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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