



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

665

FAO No.4179 of 2012 (O&M)
Date of Decision : 23.05.2024

Anita Seth and AnotherAppellants

VERSUS

Jagdeep Singh and OthersRespondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mohit Garg, Advocate
Amicus curiae 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 aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Panchkula (hereinafter referred to as the ‘Tribunal’) vide award dated 16.01.2012.
2. Since the facts, as recorded in the impugned award passed by the Tribunal, are not in dispute, the same are not being adverted to for the sake of brevity. The Tribunal in the present case awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	Rs.11,000/-
2	Deduction 1/3 rd	[Rs.11,000 – 3,666] = Rs.7,334/-
3	Annual income	[Rs.7,334 x 12] = Rs.88,008/-
4	Multiplier of 9	[Rs.88,008 x 9] = Rs.7,92,072/-
5	Loss of estate	Rs.5000/-
6	Funeral expenses	Rs.5000/-



7	Loss of consortium	Rs.10,000/-
	Total Compensation	Rs.8,12,072/-
	Interest	7.5% per annum

3. Learned counsel for the claimant-appellants has not laid any challenge to the income of the deceased, multiplier and deduction applied by the Tribunal. Learned counsel for the claimant-appellants has contended that the deceased in the present case was 56 years of age and no addition has been made towards loss of future prospects which ought to have been 10%. It is further the contention that the amount awarded under the conventional heads as well as under the head ‘loss of consortium’ is also not as per the law laid down by the Hon’ble Supreme Court. 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 **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. Cholanmandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

4. *Per contra*, learned counsel for respondent No.3-Insurance Company has contended that sufficient amount of compensation has already been awarded in the present case and that there is no scope of any enhancement.

5. Heard.

6. In the present case, since no challenge has been laid to the income of the deceased assessed at Rs.11,000/- per month, deduction of 1/3rd towards personal expenses of the deceased and the multiplier of ‘9’ applied



by the Tribunal and hence the same are accordingly maintained. However, no addition has been made 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), 10% addition is made towards future prospects keeping in view the age of the deceased being 56 years at the time of accident. Further, the amount awarded under the conventional heads and under the head ‘loss of consortium’ is 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-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 to an amount of Rs.48,000/- each (Rs.40,000+20% increase) towards loss of spousal and parental consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	Rs.11,000/-
2	Annual Income	[Rs.11,000 x 12]=Rs.1,32,000/-
3	Deduction 1/3 rd	[Rs.1,32,000 - 44,000]=Rs.88,000/-
4	Future Prospects - 10%	[Rs.88,000 + 8,800]=Rs.96,800/-
5	Multiplier - 9	[Rs.96,800 x 9]=Rs.8,71,200/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of consortium (i) Parental (ii) Spousal	Rs.48,000/- Rs.48,000/-
	Total Compensation	Rs.10,03,200/-



7. 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 claimant-appellants as directed by the Tribunal.

8. 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. Copy of the order be communicated to the claimant-appellants.

(ALKA SARIN)
JUDGE

23.05.2024
jk

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