IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

625 **FAO No.913 of 2012**
Date of Decision : 04.03.2024

Krishan Kumar ....Appellant

VERSUS

Mahadev Krishan Kant and Others ....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.K. Verma, Advocate for the appellant.

Mr. Rajesh Bansal, 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, Hisar vide award dated 21.12.2011.

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.5,000/-
2	Annual income	[Rs.5,000 x 12] = Rs.60,000/-
3	Deduction - 50%	[Rs.60,000 – 30,000] = Rs.30,000/-
4	Multiplier of 14	[Rs.30,000 x 14] = Rs.4,20,000/-
5	Transportation and Last Rites	Rs.15,000/-
6	Loss of love and affection	Rs.50,000/-
	Total Compensation	**Rs.4,85,000/-**
	Interest	**6% per annum**

4. Learned counsel for the claimant-appellant would contend that though the Tribunal has rightly assessed the income of the deceased as Rs.5,000/- per month and has also correctly applied a deduction of 50%, however, a multiplier of 14 has wrongly been applied by the Tribunal, which 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 that no addition has been made towards loss of future prospects which ought to have been 40%. It is further the contention of learned counsel for the claimant-appellant 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 **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]**.

5. *Per contra*, the learned counsel for respondent No.2 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.5,000/- per month and has also correctly applied a deduction of 50%, however, the Tribunal has erroneously applied a

multiplier of 14, which ought to have been 18 keeping in view the age of the deceased, who was 22 years of age at the time of accident. 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), 40% addition is made towards loss of future prospects. 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-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 would also be entitled to Rs.48,000/- (Rs.40,000+20% increase) towards loss of filial consortium.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	Rs.5,000/-
2	Annual Income	[Rs.5,000 x 12] = Rs.60,000/-
3	Deduction – 50%	[Rs.60,000 - 30,000] = Rs.30,000/-
4	Future Prospects - 40%	[Rs.30,000 + 12,000] = Rs.42,000/-
5	Multiplier – 18	[Rs.42,000 x 18] = Rs.7,56,000/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of consortium : (i) Filial	 Rs.48,000/-
	Total Compensation	**Rs.8,40,000/-**

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 realization of the entire amount.

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.

(ALKA SARIN)
JUDGE

04.03.2024
jk

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