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IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-349-2013 (O&M)
Date of decision : 18.03.2024

Jyoti Devi and Ors. ... Appellant(s)

Versus

Krishan Kumar and Anr. ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Ms. Ravinder Kaur Manaise, Advocate (Amicus Curiae)
for the appellants.

Mr. Neeraj Khanna, Advocate for
Mr. R.N. Singal, Advocate for respondent No.2.

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, Narnaul vide award dated 03.10.2012.
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.6,000/-
2	Annual Income	[Rs.6,000x12] = Rs.72,000/-
3	Deduction 50%	[Rs.72,000-36,000] = Rs.36,000/-

4	Multiplier - 14	[Rs.36,000x14] = Rs.5,04,000/-
5	Funeral expenses	Rs.10,000/-
6	Loss of love and affection	Rs.10,000/-
8	Total Compensation	Rs.5,24,000/-
	Interest	7.5%

4. Learned amicus curiae appearing for the claimant-appellants would contend that the deceased was aged 18 years at the time of the accident. It is further the contention that though the income of the deceased was rightly assessed as Rs.6,000/- per month and 50% deduction was applied correctly, however, multiplier ‘14’ has wrongly been applied by the Tribunal, whereas it ought to have been ‘18’ keeping in view the age of the deceased. Learned amicus curiae would further contend that no amount has been awarded towards future prospects which ought to have been 40% and further that the amount awarded under the conventional heads as well as towards consortium is also on the lower side. In support of her contentions she 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-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. In the present case the Tribunal has though rightly assessed the income of the deceased as Rs.6,000/- per month and also correctly applied deduction to the extent of 50%, however, multiplier ‘14’ 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 18 years at the time of the accident. Further, no addition has been made towards 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. Further, the amount awarded under the conventional heads and towards 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 the claimant-appellants (parents and two brothers of the deceased) would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards filial consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	Rs.6,000/-

2	Annual Income	[Rs.6,000x12] = Rs.72,000/-
3	Deduction 50%	[Rs.72,000-36,000] = Rs.36,000/-
4	Future Prospects - 40%	[Rs.36,000+14,400] = Rs.50,400/-
5	Multiplier - 18	[Rs.50,400x18] = Rs.9,07,200/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of consortium	
	(i) Filial	[Rs.48,000/-x4] = Rs.1,92,000/-
	Total Compensation	Rs.11,35,200/-

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 claimants as directed by the Tribunal. Two brothers of the deceased would be entitled to Filial consortium i.e. Rs.48,000/- each.

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.

18.03.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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