

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

803

FAO-2382-2015 (O&M)

Date of Decision : 22.02.2024

KARNAIL KAUR

.... Appellant

VERSUS

ROSHAN LAL & ORS.

.... Respondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Yashpal Thakur, Advocate for the appellant.

Ms. Yashika Walia, Advocate and
Ms. Hardeep Kaur, Advocate for respondents No.1 and 2.

None for respondent No.3-Insurance Company.

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 (Fast Track Court), Patiala vide award dated 04.12.2014.
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.6,000 x 12]	Rs.72,000/-
3.	Deduction 1/3 rd [Rs.72,000/- - Rs.24,000/-]	Rs.48,000/-
4.	Multiplier 18 [Rs.48,000/- x 18]	Rs.8,64,000/-
7.	Funeral expenses	Rs.25,000/-
8.	Loss of Consortium	Rs.1,00,000/-
9.	Total Compensation	Rs.9,89,000/-

4. Learned counsel for the appellant would contend that though the income of the deceased was rightly assessed as Rs.6,000/- per month and a multiplier of '18' was applied correctly, however, no amount has been awarded towards future prospects as well as 'loss of estate'. In support of his contentions the learned counsel for the claimant-appellant 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. Chola mandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra*, the learned counsel for respondents No.1 and 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.6,000/- per month and also correctly applied a multiplier of '18', however, deduction of '1/3' has wrongly been applied which ought to have been '50%'. Further, no amount has been awarded 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 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. The claimant-appellant, being mother of the deceased, would also be entitled to Rs.48,000/- (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.6,000/-
2.	Annual income [Rs.6,000 x 12]	Rs.72,000/-
3.	Deduction 50% [Rs.72,000/- - Rs.36,000/-]	Rs.36,000/-
4.	Future prospects @ 40% [Rs.36,000/-+ 14,400/-]	Rs.50,400/-
5.	Multiplier 18 [Rs.50,400/- x 18]	Rs.9,07,200/-
6.	Loss of estate [Rs.15,000+20% increase]	Rs.18,000/-
7.	Funeral expenses [Rs.15,000+20% increase]	Rs.18,000/-
8.	Loss of Consortium : (i)Filial : (48,000 x 1)	Rs.48,000/-
9.	Total Compensation	Rs.9,91,200/-

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.

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.

22.02.2024
Aman Jain

(ALKA SARIN)
JUDGE

NOTE: *Whether speaking/non-speaking: Speaking*
 Whether reportable: Yes/No