

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

804

FAO No.2452 of 2015
Date of Decision : 22.02.2024

Nirmal Kaur and OthersAppellants

VERSUS

Jasbir Singh and OthersRespondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Devansh Gupta, Advocate for
Mr. Rahul Arora, Advocate and
Ms. Manvi Verma, Advocate (Amicus Curiae)
for the appellants

Mr. Abhishek Goyal, Advocate for
Mr. Pardeep Goyal, 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, Ferozepur (hereinafter referred to as the 'Tribunal') vide award dated 05.05.2014.

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. Since the counsel appearing on behalf of the appellants is unable to assist this Court, Ms. Manvi Verma, Advocate, who is present in Court, is appointed as *amicus curiae* to effectively assist this Court on behalf of the claimant-appellants. An amount of Rs.15,000/- is assessed as her fees,

which shall be paid to her by the Punjab and Haryana High Court Legal Services Committee.

4. The Tribunal awarded the following compensation :

Sr.No.	Heads	Compensation Awarded
1	Monthly income	Rs.4,500/-
2	Annual income	[Rs.4,500 x 12] = Rs.54,000/-
3	Amount after applying deduction 1/3 rd	[Rs.54,000 – 18,000] Rs.36,000/-
4	Multiplier of 15	[Rs.36,000 x 15] = Rs.5,40,000/-
5	Loss of estate	Rs.10,000/-
5	Funeral expenses	Rs.10,000/-
6	Loss of consortium	Rs.20,000/-
	Total Compensation	Rs.5,80,000/-
	Interest	9% per annum

5. Learned Amicus would contend that though the income of the deceased was rightly assessed as Rs.4,500/- per month and a multiplier of ‘15’ as well as a deduction of 1/3rd was applied correctly, however, no addition has been made towards future prospects which ought to have been 25%. It is further the contention of the learned Amicus 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 her contentions the learned Amicus 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. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

6. *Per contra*, the learned counsel for respondent No.3 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.

7. I have heard the learned Amicus and the learned counsel for the parties.

8. In the present case the Tribunal has though rightly assessed the income of the deceased as Rs.4,500/- per month and also correctly applied a multiplier of ‘15’ as well as deduction of 1/3rd, however, 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), 25% addition is made towards loss of future prospects. Further, the amount awarded under the conventional heads and under the head ‘loss of consortium’ are 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 (wife and children of the deceased) would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of consortium.

9. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	Rs.4,500/-
2	Annual Income	[Rs.4,500 x 12] = Rs.54,000/-

3	Deduction 1/3rd	[Rs.54,000 - 18,000] = Rs.36,000/-
4	Future Prospects - 25%	[Rs.36,000 + 9,000] = Rs.45,000/-
5	Multiplier - 15	[Rs.45,000 x 15] = Rs.6,75,000/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	<u>Loss of consortium</u> (i) Parental (ii) Spousal	[Rs.48,000x2] = Rs.96,000/- Rs.48,000/- Total Rs.1,44,000/-
	Total	Rs.8,55,000/-

10. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 9% per annum from the date of filing of the claim petition till realization of the entire amount. The amount shall be apportioned between the claimant-appellants as directed by the Tribunal.

11. 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
jk

(ALKA SARIN)
JUDGE

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