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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH****FAO-1886-2016 (O&M)****Date of Decision : 04.12.2024**

Gurdev Kaur & Ors

... Appellant(s)

Versus

Mahender Kumar & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Dheeraj Narula, Advocate for the appellants.

Service of respondent Nos.1 to 3 exempted
vide order dated 23.05.2016.

Mr. Vaibhav Jain, Advocate for the respondent No.4.

Mr. Amrinder Sidhu, Advocate for the respondent No.5.

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, Sirsa (hereinafter referred to as 'Tribunal') vide award dated 07.01.2016.

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. Learned counsel for the claimant-appellants has not laid any challenge to the amounts awarded under the other heads. He, however, states that the amounts awarded under the conventional heads as well as under the

head loss of consortium are not in consonance with the law laid down by 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]**.

4. *Per contra*, the learned counsel for respondent No.5-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.

5. Heard.

6. In the present case, since the only challenge laid is to the amounts awarded under the conventional heads as well as under the head loss of consortium, the amounts awarded under the other heads are maintained. The amounts awarded under the conventional heads as well as under the head loss of consortium are not in consonance with 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). Accordingly, 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 claimants (widow, mother and two children of the deceased) would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of 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 1/4 th	[Rs.72,000-18,000]=Rs.54,000/-
4	Future Prospects - 30%	[Rs.54,000+16,200]=Rs.70,200/-
5	Multiplier - 13	[Rs.70,200x12]=Rs.9,12,600/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of consortium (i) Parental (ii) Filial (iii) Spousal	[Rs.48,000/-x2] =Rs.96,000/- [Rs.48,000/-x1] =Rs.48,000/- [Rs.48,000/-x1] =Rs.48,000/- (Total Rs.1,92,000/-)
9	Medical expenses	Rs.1,21,875/-
	Total Compensation	Rs.12,62,475/-

7.

The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 8 % per annum from the date of filing of the claim petition till the realization of the entire amount. The enhanced amount under the conventional heads shall be apportioned as directed by the Tribunal and the amount under the head loss of consortium shall be apportioned as noticed above.
8.

In view of the above discussion, the present appeal is allowed and the impugned award passed by the Tribunal is modified to the aforesaid extent. Pending applications, if any, also stand disposed off.

04.12.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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