

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

102

FAO-3912-2015 (O&M)

Date of Decision : 20.02.2024

ANNU @ ANNU RANI & ORS.

.... Appellants

VERSUS

RANJEET SINGH & ORS.

.... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Mayur Kanwar, Advocate for the appellants.

Service of respondents No.1 and 2 dispensed with
vide order dated 12.01.2016.

Mr. D.R. Bansal, Advocate
for respondent No.3-Insurance Company.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the claimant-appellants challenging the award dated 01.10.2014 passed by the Motor Accident Claims Tribunal, Patiala.
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 appellants would contend that the Tribunal assessed the income of the deceased as Rs.7,500/- per month, the deduction of 1/3rd and the multiplier of 18 have rightly been applied by the Tribunal. Learned counsel would further contend that no amount has been awarded towards future prospects and towards loss of estate. 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 case of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**.

4. *Per contra*, the learned counsel for respondent No.3-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. Learned counsel for respondent No.3-Insurance Company would further contend that the amount awarded under the head 'loss of consortium' and love and affection is on the higher side. In support of his contentions the learned counsel has relied upon the judgments of the Hon'ble Supreme Court in the cases of **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. Heard.

6. In the present case, the Tribunal has rightly assessed the income of the deceased as Rs.7,500/- per month and also correctly applied deduction to the extent of 1/3rd and the multiplier of 18 has also rightly been applied. However, 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-appellants would be entitled to Rs.18,000/- (Rs.15,000+20%

increase) towards funeral expenses and Rs.18,000/- (Rs.15,000+20% increase) towards loss of estate. The claimant-appellants, being wife, daughter and mother of the deceased respectively, would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of consortium.

7. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	Rs.7,500/-
2	Annual income [Rs.7,500 x 12]	Rs.90,000/-
3	Deduction 1/3rd [Rs.90,000 - Rs.30,000]	Rs.60,000/-
4	Future prospectus (40%) (Rs.60,000 + 40%)	Rs.84,000/-
5	Multiplier of 18 [Rs.84,000 x 18]	Rs.15,12,000/-
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) Parental Rs.48,000/- (Rs.40,000 + 20%) (ii) Filial Rs.48,000/- (Rs.40,000 + 20%) (iii) Spousal Rs.48,000/- (Rs.40,000 + 20%)	Rs.1,44,000/-
9	Total Compensation	Rs.16,92,000/-

8. The amount in excess of and over and above the amount awarded by the Tribunal shall 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 claimant-appellants as directed by the Tribunal.

9. 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.

20.02.2024
Aman Jain

(ALKA SARIN)
JUDGE

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