



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

266

FAO-5776-2016 (O&M)
Date of Decision : 16.12.2024

Bijender and OthersAppellants

VERSUS

Sumit and OthersRespondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Surender Saini, Advocate for the appellants.

None for respondent Nos.1 and 4.

Mr. Abhinav Singla, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the claimants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Sonapat (hereinafter referred to as the ‘Tribunal’) vide award dated 01.07.2016 on account of death of Ravi (hereinafter referred to as the ‘deceased’).
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 – 1/4 th	[Rs.72,000 – 18,000] = Rs.54,000/-
4	Multiplier of 18	[Rs.54,000 x 18] = Rs.9,72,000/-

5	Funeral expenses	Rs.25,000/-
6	Loss of estate	Rs.5,000/-
7	Loss of consortium	Rs.1,00,000/-
	Total Compensation	Rs.11,02,000/-
	Interest	7.5% per annum

4. Learned counsel for the claimant-appellants would contend that though the Tribunal has rightly assessed the income of the deceased as Rs.6,000/- per month and also correctly applied a deduction of 1/4th and a multiplier of ‘18’, however, no addition has been made towards loss of future prospects of the deceased. Further, the amounts awarded under the conventional heads as well as under the head ‘loss of consortium’ are not in accordance with the law laid down by the Hon’ble Supreme Court. In support of his contentions, he 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 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.

6. Heard.

7. In the present case, income, deduction and multiplier have not been challenged by the claimant-appellants. The Tribunal while awarding

the amount of compensation has not made any addition towards loss of future prospects. The deceased in the present case was 25 years of age and keeping in view his age, 40% addition would have to be made towards loss of future prospects in view of the law laid down by the Hon’ble Supreme Court in the case of **Pranay Sethi** (*supra*). Further, the amounts awarded under the conventional heads and under the head ‘loss of consortium’ also need to be re-worked in view of 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) under each head of loss of estate and funeral expenses. The appellants would also be entitled to Rs.48,000/- (Rs.40,000+20% increase) each 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 - 1/4 th	[Rs.72,000 – 18,000] = Rs.54,000/-
4	Future Prospects - 40%	[Rs.54,000 + 21,600] = Rs.75,600/-
5	Multiplier - 18	[Rs.75,600 x 18] = Rs.13,60,800/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	<u>Loss of consortium</u> (i) Spousal (ii) Parental (iii) Filial	Rs.48,000/- Rs.96,000/- [Rs.48,000 x 2] Rs.96,000/- [Rs.48,000 x 2] Rs.2,40,000/-
	Total	Rs.16,36,800/-

9. 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 enhanced amount of compensation shall be apportioned amongst the claimant-appellants as directed by the Tribunal.

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.

16.12.2024
jk

**(ALKA SARIN)
JUDGE**

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