



IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

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FAO-8692-2014 (O&M)
Date of Decision : 20.11.2024

Seema and AnotherAppellants

VERSUS

Sushil Kumar and OthersRespondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Nipun Vashist , Advocate for the appellants.

Mr. S.S. Khurana, Advocate for respondent No.1.

Mr. Shwas Bajaj, Advocate for
Mr. Prateek Rathee, Advocate for respondent No.2.

Mr. Punit Jain, 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, Rewari (hereinafter referred to as the ‘Tribunal’) vide award dated 24.12.2013.
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.4,200/-
2	Deduction – 50%	[Rs.4,200 – 2,100] = Rs.2,100/-

3	Annual income	[Rs.2,100 x 12] = Rs.25,200/-
4	Multiplier of 15	[Rs.25,200 x 15] = Rs.3,78,000/-
5	Funeral expenses	Rs.25,000/-
6	Medical Bills	Rs.2,64,376/-
	Total Compensation	Rs.6,67,378/-
	Interest	6% per annum

4. Learned counsel for the appellant would contend that the income of the deceased has wrongly been assessed as Rs.4,200/- per month as the minimum wages of an unskilled worker prevailing at the relevant point of time were Rs.4,643/- per month. It is further the contention that though the deduction of 50% has rightly been applied, however, a multiplier of ‘15’ has wrongly been applied by the Tribunal, whereas it ought to have been ‘18’ keeping in view the age of the deceased being 19 years at the time of the accident. It has further been contended that no addition has been made towards loss of future prospects and no amount has been awarded under the head ‘loss of consortium’ and further that the amount awarded under the conventional heads is also not in accordance with the law. In support of his contention, he has relied upon the judgments of the Hon’ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]**, **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, the Tribunal has assessed the income of the deceased as Rs.4,200/- per month whereas the minimum wages of an unskilled worker at the relevant time i.e. at the time of accident were Rs.4,643/- per month and hence, the income of the deceased is assessed as Rs.4,643/- per month. In the present case, the Tribunal has though rightly applied a deduction of 50%, however, a multiplier of '15' has wrongly been applied. The deceased in the present case was 19 years of age and keeping in view the law laid down by Hon'ble Supreme Court in the case of **Sarla Verma** (supra), a multiplier of '18' would be applicable. Further, no addition has been made towards loss of future prospects and hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (supra), an addition of 40% is to be made towards loss of future prospects. Further, the amount awarded under the conventional heads is not as per the law laid down and no amount has been awarded under the head 'loss of consortium' and hence, as per the law laid down by Hon'ble Supreme Court in the cases of **Pranay Sethi** (supra), **Magma General Insurance Company Limited** (supra) and **N. Jayasree** (supra), the claimants 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 would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of filial consortium. The amount awarded by the Tribunal towards medical bills is maintained.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	Rs.4,643/-
2	Annual Income	[Rs.4,643 x 12] = Rs.55,716/-
3	Deduction – 50%	[Rs.55,716 – 27,858] = Rs. 27,858/-
4	Future Prospects - 40%	[Rs.27,858 + 11,114] = Rs.39,002/-
5	Multiplier - 18	[Rs.39,002 x 18] = Rs.7,02,036/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Medical Bills	Rs.2,64,376/-
9	<u>Loss of consortium</u> (i) Filial	[Rs.48,000 x 2] = Rs.96,000/-
	Total	Rs.10,98,412/-

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, present appeal is disposed off in the above terms. The award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

20.11.2024
jk

(ALKA SARIN)
JUDGE

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