**IN THE HIGH COURT OF PUNJAB AND HARYANA
AT CHANDIGARH**

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**FAO-1006-2017 with
XOBJC-11-CII-2018
Date of decision : 11.12.2024**

New India Assurance Company Ltd. ..... Appellant

versus

Bimla Rani and others ...... Respondents

CORAM : HON'BLE MR. JUSTICE PANKAJ JAIN

Present: None for the appellant.

Mr. Ashwani Arora, Advocate
for respondents No.1 to 6/cross-objectors.

Mr. Sham Lal Saha, Advocate for
Mr. Surinder Singh Gandhi, Advocate
for respondents No.7 and 8.

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<u>PANKAJ JAIN, J.</u>

1. Insurance company is in appeal against award dated 13.09.2016 passed by MACT, SAS Nagar, Mohali. Claimants are also aggrieved of quantum of compensation and have preferred cross-objections under Order 41 Rule 22 CPC. The grievance of the insurance company is also primarily against the quantum of compensation awarded by the Tribunal. Thus, the primary battle between the parties relates to findings on issue No.3. Tribunal granted compensation as per the following details:-

Age	60 years	
Occupation	Self employed	
Claimants	Widow, Children and mother	
Sr.No.	Heads of claim	Amount
1.	Income	8,000 x 12=96,000/-
2.	Multiplier	96,000 x 9 = 8,64,000/-

3.	Future prospects @ 15%	1,29,600/-
4.	Deductions @ 1/4th	2,48,400/-
5.	Loss of dependency	7,45,200/-
6.	Consortium	1,00,000/-
7.	Funeral expenses	25,000/-
	Total	**8,70,000/-**

2. Counsel for the cross-objectors admits that in terms of ratio of law laid down by Supreme Court in ***'National Insurance Company Limited vs. Pranay Sethi and others', (2017) 16 SCC 680***, considering the age of the deceased, future prospects of 15% ought not have been granted and the same needs to be pegged down to 10%.

3. Counsel for the claimants however submits that the income of Rs.8,000/- has been wrongly assessed, keeping in view the fact that the appellant worked for almost 10 years in Saudi Arabia, Dubai and Singapore and was working as Electrician.

4. I am unable to accept the aforesaid plea keeping in view the fact that the deceased was more than 60 years of age at the time of death. Thus, no fault can be found with the income as assessed by the Tribunal @ Rs.8,000/- per month. Deduction of 1/4th has been rightly applied. Keeping in view ratio of law laid down in ***Pranay Sethi's case (supra)***, all the claimants are held entitled for consortium @ Rs.48,400/- each. Funeral expenses granted @ Rs.25,000/- are modified to 18,150/-. Nothing has been awarded for loss of estate. Claimants are held entitled for an amount of Rs.18,000/ under the said head as well. Claimants are further held entitled for interest @ 8% per annum from the date of filing of petition till the date of actual realization.

5. With the aforesaid modification, the appeal as well as cross-objections are disposed off.

(PANKAJ JAIN)
JUDGE

11.12.2024
Dinesh

Whether speaking/reasoned	Yes
Whether Reportable :	No