

IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-8228-2015 (O&M)
Date of Decision : 18.12.2024

Surender Singh & Anr

... Appellant(s)

Versus

Gulab Singh & Ors

... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Vishal Nehra, Advocate for the appellants.
Mr. Sukhdarshan Singh, Advocate for the 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, Ambala (hereinafter referred to as ‘Tribunal’), vide award dated 08.09.2015.
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.5,000/-
2	Annual income	[Rs.5,000 x 12] = Rs.60,000/-
3	Deduction 50%	[Rs.60,000 – 30,000] = Rs.30,000/-
4	Multiplier of 18	[Rs.30,000x18] = Rs.5,40,000/-
5	Funeral expenses	Rs.25,000/-
6	Loss of love and affection	Rs.50,000/-
7	Total Compensation	Rs.6,15,000/-
8	Interest	7.5% per annum

4. Learned counsel for the claimant-appellants would contend that the income of the deceased has wrongly been assessed as Rs.5,000/- per month as the minimum wages of an unskilled worker prevailing at the time of the accident was Rs. 5,639/- per month. It is further the contention of the learned counsel that though multiplier '18' as well as deduction to the extent of 50% was correctly applied, however, no addition has been made towards future prospects which ought to have been 40%. It is further the contention of the learned counsel that the amounts awarded under the conventional heads as well as under the head 'loss of consortium' are also 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. I have heard the learned counsel for the parties.

7. In the present case, the Tribunal has wrongly assessed the income of the deceased as Rs.5,000/- per month as the minimum wages of an unskilled worker prevailing at the time of the accident were Rs.5,639/-

per month and, hence, the income of the deceased ought to have been assessed as Rs.5,639/- per month. The Tribunal has rightly applied the multiplier ‘18’ so is the deduction to the extent of 50%, however, no addition has been made 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 amounts awarded under the conventional heads and under the head ‘loss of consortium’ are 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 loss of estate and Rs.18,000/- (Rs.15,000+20% increase) towards funeral expenses and the claimant-appellants (father and brother 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.5,639/-
2	Annual Income	[Rs.5,639x12] = Rs.67,668/-
3	Deduction 50%	[Rs.67,668-33,834] = Rs.33,834/-
4	Future Prospects - 40%	[Rs.33,834+13,534] = Rs.47,368/-
5	Multiplier - 18	[Rs.47,368x18] = Rs.8,52,624/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of consortium	
	(i) Filial	[Rs.48,000/-x2] = Rs.96,000/-
	Total Compensation	Rs.9,84,624/-

8. 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 amount shall be apportioned between the claimants as directed by the Tribunal.

9. In view of the above discussion, the present appeal is allowed and the award passed by the Tribunal stands modified accordingly. Pending applications, if any, also stand disposed off.

18.12.2024
Yogesh Sharma

(ALKA SARIN)
JUDGE

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