

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****FAO-5668-2019****Reserved on: - 24.09.2024****Pronounced on: 27.09.2024****ROYAL SUNDRAM GENERAL INSURANCE COMPANY LIMITED****. . . .APPELLANT****Vs.****JAGWANT KAUR AND OTHERS****. . . . RESPONDENTS****CORAM: HON'BLE MR. JUSTICE DEEPAK GUPTA**

Present:- Mr. Abhinav Singla, Advocate, for
Mr. Amit Goyal, Advocate, for the appellant.

Mr. Raj Kumar Rana, Advocate, for the respondents.

DEEPAK GUPTA, J.

Insurance Company is in this appeal against the award dated 02.07.2019, whereby Motor Accident Claims Tribunal, Ambala has granted compensation of ₹49,10,836/- in favour of the legal representatives of deceased-Sandeep Singh, who expired in a Motor vehicular accident of 05.03.2017.

2. There is no dispute regarding the negligence of the offending vehicle; or the liability to pay the compensation on the part of Insurance Company. The only dispute raised before this Court is regarding the quantum of compensation. Claimants are the parents of deceased Sandeep Singh, who was unmarried young boy aged 28 years and employed in Indian army on regular basis.

3. The sole contention raised by learned counsel for the appellant-Insurance Company is that Tribunal has taken into consideration the monthly salary of the deceased as ₹36,405/-, as is reflected in the pay slip of January, 2017, although his monthly salary was ₹30,975/- as evident from the pay slip for February, 2017. Learned counsel has drawn attention towards

the fact that an amount of ₹5,430/- was added in the pay slip of January, 2017 as arrears and, therefore that could not be taken as part of the salary.

4. Learned counsel for the claimants-respondents could not dispute the aforesaid contention. At the same time, counsel for the claimants submits that the Tribunal has not granted any compensation towards the loss of parental consortium to the claimants, who are the parents of the deceased. This contention is not refuted by learned counsel for the appellant-Insurance company.

5. As such, after hearing learned counsel for the parties, the compensation payable to the claimants is worked out as under:-

	Deceased : Sandeep Singh Age : 28 years Number of claimants : 2	Compensation awarded by MACT (in ₹)	Compensation assessed by this Court (in ₹)
1.	Monthly earning of deceased	36,405/-	30,975/-
2.	After adding 50% (<i>permanent salaried</i>)	54,607/-	46,462.5/-
3.	Deduction for self-expenses	1/2	1/2
4.	Monthly income after deduction for self-expenses	27,303/-	23,231.25
5.	Annual Dependency	3,27,636/-	2,78,775/-
6.	Multiplier	17	17
7.	Compensation	3,27,636 x 17 = 55,69,812/-	2,78,775 x 17 = 47,39,175/-
8.	Loss of estate	30,000/-	18,000/-
9.	Loss of Love and affection/ Parental Consortium		48,000 x 2= 96,000/-
10.	Funeral expenses		18,000/-
11.	TOTAL	55,99,812/-	48,71,175/-

Deduction under Income Tax Rules:			
i	Annual Income	$54,607 \times 12 = 6,55,284/-$	$46,462.5 \times 12 = 5,57,550/-$
ii	Standard deduction	2,50,000/-	2,50,000/-
iii	Tax Liability	$6,55,284 - 2,50,000 = 4,05,284/-$	$5,57,550 - 2,50,000 = 3,07,550/-$
iv	10% deduction	40,528/-	30,755/-
18.	Total tax deduction	$40528 \times 17 = 6,88,976/-$	$30755 \times 17 = 5,22,835/-$
19.	Net compensation payable	$55,99,812 - 6,88,976 = 49,10,836/-$	$48,71,175 - 5,22,835 = 43,48,340/-$
	Total compensation granted	49,10,836/-	43,48,340/-
	Rate of interest	7.5%	7.5 %

6. As such, present appeal is partly accepted. The Award passed by the Tribunal is hereby modified by reducing the compensation amount from ₹49,10,836/- to ₹43,48,340/-. It is held further that claimants shall be entitled to said amount alongwith interest @ 7.5% per annum from the date of filing of the claim petition till its realization, in the same proportion as allowed by the Tribunal.

Disposed of.

27.09.2024
Vivek

(DEEPAK GUPTA)
JUDGE

Whether speaking/reasoned? Yes
Whether reportable? No