

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

593

FAO No.5191 of 2011
Date of Decision : 30.01.2024

Sunil Devi and OthersAppellants

VERSUS

Vinay Kumar and OthersRespondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Arpit Gaur, Advocate for
Mr. Sat Narain Yadav, Advocate for the appellants.

Mr. Aseem Aggarwal, Advocate
for respondent No.3-Insurance Company.

ALKA SARIN, J. (Oral)

1. The present appeal has been filed by the claimant-appellants challenging the award dated 25.01.2011 passed by the Motor Accident Claims Tribunal, Rewari (hereinafter referred to as the ‘Tribunal’) whereby an amount of Rs.6,14,800/- was awarded as compensation to the claimant-appellants on account of death of Rajesh Kumar (hereinafter referred to as the ‘deceased’) in a motor vehicle accident with a truck bearing registration No.MH-04-CU-2472 (hereinafter referred to as the ‘offending vehicle’) .
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 awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	Rs.4,200/-
2	Annual income	[Rs.4,200 x 12] = Rs.50,400/-
3	Amount after applying deduction 1/4 th	[Rs.50,400 - 12,600] = Rs.37,800/-
4	Multiplier of 16	[Rs.37,800 x 16] = Rs.6,04,800/-
5	Funeral expenses	Rs.10,000/-
	Total Compensation	Rs.6,14,800/-
	Interest	6% per annum

4. Learned counsel for the claimant-appellants would contend that the deceased in the present case was 29 years of age and the Tribunal has wrongly applied the multiplier of ‘16’, which ought to have been ‘17’ in view of the law laid down by the Hon’ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121]** and **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]**. It is further the contention that no amount has been awarded towards ‘loss of future prospects’. As per the law laid down in case of **Pranay Sethi** (supra) the claimant-appellants would be entitled to addition of 40% towards ‘loss of future prospects’. Learned counsel for the claimant-appellants has further contended that no amount has been awarded towards ‘loss of estate’ and only an amount of Rs.10,000/- has been awarded towards ‘funeral expenses’. No amount has been awarded under the head ‘loss of consortium’ 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 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* learned counsel for respondent No.3-Insurance Company has contended that sufficient amount of compensation has been awarded to the claimant-appellants and there is no scope of any further enhancement.

6. The salary of the deceased in the present case was Rs.4,200/- per month. The Tribunal has rightly applied a deduction of 1/4th. The deceased in the present case was 29 years of age and keeping in view his age, a multiplier of ‘17’ would be applicable and an addition of 40% would have to be made towards ‘loss of future prospects’. Under the conventional heads, 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’ as per the law laid down in the cases of **Pranay Sethi** (supra) and **N. Jayasree** (supra). The claimant-appellants would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of consortium.

7. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	Rs.4,200/-
2	Annual income	[Rs.4,200 x 12] = Rs.50,400/-
3	Deduction 1/4 th	[Rs.50,400 - 12,600] = Rs.37,800/-
4	Future prospects @ 40%	[Rs.37,800 + 15,120] = Rs.52,920/-
5	Multiplier of 17	[Rs.52,920 x 17] = Rs.8,99,640/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of Consortium : (i) Parental (ii) Spousal’s	[Rs.48000 x 3] = Rs.1,44,000/- Rs.48,000/-

	(iii) Filial	Rs.48,000/- (Total Rs.2,40,000/-)
	Total Compensation	Rs.11,75,640 /- (rounded off to Rs.11,75,700/-)

8. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 6 % 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.

9. 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.

30.01.2024
jk

(ALKA SARIN)
JUDGE

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