IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

R-551 **FAO No.1454 of 2011**
Date of Decision : 29.01.2024

Neeraj and Others ....Appellants

VERSUS

Manjit Singh and Others ....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sanjay Jain, Advocate for the appellants.

None for respondent Nos.1 and 2.

Mr. Suman Jain, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been filed by the claimant-appellants challenging the award dated 16.02.2009 passed by the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as the 'Tribunal') whereby an amount of Rs.3,00,000/- was awarded as compensation to the claimant-appellants on account of death of Rajinder Singh (hereinafter referred to as the 'deceased') in a motor vehicle accident with the TATA-207 bearing registration No.PB-11-AC-4323 (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.2,400/-
2	Annual income	[Rs.2,400 x 12] =Rs.28,800/-
3	Amount after applying deduction 1/3rd	[Rs.28,800 – 9,600] = Rs.19,200
4	Multiplier of 15	[Rs.19,200 x 15] = Rs.2,88,000/-
5	Transportation, funeral expenses and last rites	Rs.12,000/-
	Total Compensation	**Rs.3,00,000/-**
	Interest	**7% per annum**

4. Learned counsel for the claimant-appellants would contend that the Tribunal has assessed the income of the deceased as Rs.2,400/- per month considering him a casual labourer, which is on the lower side as the deceased was an agriculturist and was earning Rs.15,000/- per month. It has further been contended that the deceased in the present case was 29 years of age at the time of accident and the Tribunal has applied a multiplier of '15', 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 an 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 under the head of 'loss of consortium' in view of the law laid down by the Hon'ble Supreme Court. Learned counsel for the appellants has further

contended that only an amount of Rs.12,000/- has been awarded towards transportation, funeral expenses and last rites.

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. I have heard learned counsel for the parties.

7. The Tribunal has assessed the income of the deceased as Rs.2,400/- per month. The claimant-appellants have alleged that the deceased was an agriculturist and was earning Rs.15,000/- per month. However, in the absence of any proof of salary/income of the deceased and taking the minimum wages for a semi-skilled worker prevailing at the relevant time, this Court deems it appropriate to assess the income of the deceased as Rs.3,924/- per month, which is rounded off to Rs.4,000/- per month. The Tribunal has rightly applied a deduction of $1/3^{rd}$. 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.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	Rs.4,000/-
2	Annual income	[Rs.4,000 x 12] = Rs.48,000/-
3	Deduction 1/3rd	[Rs.48,000 – 16,000] = Rs.32,000/-
4	Future prospects @ 40 %	[Rs.32,000 + 12,800] = Rs.44,800/-
5	Multiplier of 17	[Rs.44,800 x 17] = Rs.7,61,600/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of Consortium : (i) Parental (ii) Spousal's	 [Rs.48,000 x 2] = Rs.96,000/- Rs.48000/- (Total Rs.1,44,000/-)
	Total Compensation	**Rs. 9,41,600/-**

9. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7% 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, the present appeal is allowed and the award passed by the Tribunal is modified accordingly. Pending applications, if any, also stand disposed off.

(ALKA SARIN)
29.01.2024 **JUDGE**
jk

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