



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

FAO-4328-2018 (O&M)

Date of decision: 07 November , 2024

JASVIR KAUR AND OTHERS

....Appellants

Versus

SUKHDEEP AND OTHERS

.....Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present:- Mr. Anil Kumar Spehia, Advocate for the appellants.

ANIL KSHETARPAL, J.

1. This is claimants' appeal for enhancement/modification of compensation awarded on account of death of Palwinder Singh in an automobile accident by the Motor Accident Claims Tribunal, S.B.S Nagar (hereinafter referred to as 'the Tribunal'). The involvement of the vehicle and the correctness of the findings on the issue of rash and negligent driving by the driver of the offending vehicle bearing registration plate No. PB-03-U-5719 are not disputed.

2. The only submission of learned counsel representing the appellants with reference to the failure of the Tribunal to increase the income on account of future prospects which is not disputed by the learned counsel representing the respondents.

3. The deceased was 38 years old at the time of accident and he was working in a company at Athens. As per the judgment passed by Hon'ble the Supreme Court in *National Insurance Company Limited Vs. Pranay Sethi 2017*



(16) SCC 680, the income is to be increased by 40%. Hence the enhanced amount of compensation is worked out as under:

Heads	Compensation awarded by the Tribunal	Compensation awarded by the High Court
Income	Rs.5,25,635/- per annum	Rs.5,25,635/- per annum
Deduction	1/3 rd Rs.3,50,423/- (Rs.5,25,635 -1,75,212)	1/3 rd Rs.3,50,423/- (Rs.5,25,635 -1,75,212)
Future Prospects	Nil	40% Rs.2,10,254 (40% of the monthly income)
Net annual income	Rs.5,25,635/- per annum	3,50,423x40/100= Rs.1,40,169/- Total income=3,50,423+140169= Rs.4,90,592/-
Multiplier	15	15
Loss of estate	Rs.15,000/-	15,000/-
Funeral expenses	Rs.15,000/-	15,000/-
Loss of consortium	Rs.40,000/-	Consortium to appellants=40,000x3 Rs.1,20,000/-
Total compensation	Rs.53,26,345/- rounded off to Rs.53,27,000/-	Rs.75,08,880/-

4. The enhanced amount shall be payable alongwith interest @ 7.5% per annum from the date of filing of the claim petition till the date of its realisation.
- 5 With the aforesaid modifications, the present appeal is disposed of.
6. All the pending miscellaneous applications, if any, shall also stand disposed of.

November 07, 2024
ritu

(ANIL KSHETARPAL)
JUDGE

Whether speaking/reasoned
Whether reportable:

Yes/No
Yes/No