2025:PHHC:006258

IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

267 **FAO-1738-2019 (O&M)**
XOBJC-35-2021
Date of Decision : 16.01.2025

UTTAR PRADESH ROADWAYS CORPORATION .... Appellant

VERSUS

KAILASH CHANDER AND OTHERS .... Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Sandeep Kotla, Advocate for the appellant.

Mr. Shiv Kumar, Advocate
for respondents No.1 to 6 and cross-objector.

Service of respondents No.7 and 8 dispensed
with vide order dated 06.01.2020.

ALKA SARIN, J. (ORAL)

1. The present appeal has been preferred by the appellant-Insurance Company aggrieved by the quantum of compensation awarded vide award dated 05.07.2018 passed by the Motor Accident Claims Tribunal, Faridabad (hereinafter referred to as 'the Tribunal'). During the pendency of the appeal, cross-objections being XOBJC-35-2021 were filed by claimant-respondent No.2 herein.

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	₹11,500
2.	Annual income	[₹11,500 x 12] = ₹1,38,000
3.	Deduction 50%	[₹1,38,000 - ₹69,000] = ₹69,000
4.	Future prospects 40%	[₹69,000 + ₹27,600] = ₹96,600
5.	Multiplier of '15'	[₹96,600 x 15] = ₹14,49,000
6.	Funeral expenses	₹15,000
7.	Loss of estate	₹15,000
	Total Compensation	**₹14,79,000**
	Interest	9% per annum

4. Learned counsel for the appellant-Insurance Company would contend that the income of the deceased has wrongly been assessed as ₹11,500 per month as the minimum wage of an unskilled worker prevailing at the time of the accident was ₹8,070 per month.

5. *Per contra*, learned counsel for claimant-respondents No.1 to 6 and cross objector is not in a position to deny the fact that the income of the deceased has wrongly been assessed by the Tribunal inasmuch as the minimum wage of an unskilled worker prevailing at the time of the accident was ₹8,070 per month. It is, however, the contention of the learned counsel for the claimant-respondents No.1 to 6 and cross-objector that the multiplier of '15' has wrongly been applied by the Tribunal whereas it ought to have been '18' keeping in view the age of the deceased being 22 years at the time of the accident. Learned counsel would further contend that the no amount had been awarded under the head 'loss of consortium' and further that the amount awarded under the conventional heads is also on the lower side. In support of his contentions the learned counsel for claimant-respondents No.1

to 6 and cross-objector has relied upon the judgments of the Hon'ble Supreme Court in the cases of **Sarla Verma & Ors. vs. Delhi Transport Corporation & Anr. [(2009) 6 SCC 121], 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. Cholamandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

6. Heard.

7. In the present case, the Tribunal had assessed the income of the deceased as ₹11,500 per month, however, the minimum wage of an unskilled worker prevailing at the time of the accident was ₹8,070 per month. Hence, the income of the deceased is assessed as ₹8,070 per month. A multiplier of '15' has wrongly been applied and hence, as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), multiplier of '18' would be applicable keeping in view the age of the deceased. Further, the amount awarded under the conventional heads are on the lower side and no amount has been awarded under the head 'loss of consortium'. Accordingly, 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), claimant-respondents No.1 to 6 would be entitled to ₹18,000 (₹15,000 + 20% increase) towards loss of estate and ₹18,000 (₹15,000 + 20% increase) towards funeral expenses. The claimants, being the father, the mother and the unmarried sisters of the deceased, would also be entitled to ₹48,000 each (₹40,000 +

20% increase) towards loss of consortium. Since no challenge is laid to the deduction of 50% and addition of 40% made by the Tribunal, the same are maintained.

8. Accordingly, the reworked out compensation is as under :

Sr. No.	Heads	Compensation Awarded
1.	Monthly income	₹8,070
2.	Annual income	[₹8,070 x 12] = ₹96,840
3.	Deduction 50%	[₹96,840 - ₹48,420] = ₹48,420
4.	Future prospects 40%	[₹48,420 + ₹19,368] = ₹67,788
5.	Multiplier of '18'	[₹67,788 x 18] = ₹12,20,184
6.	Funeral expenses	₹18,000
7.	Loss of estate	₹18,000
8.	Loss of consortium (i) Filial	 [₹48,000 x 4] = ₹1,92,000
	Total Compensation	**₹14,48,184**

9. The interest @9% per annum awarded by the Tribunal is maintained. The amount shall be apportioned between claimant-respondents No.1 to 6 as directed by the Tribunal.

10. In view of the above discussion, the award passed by the Tribunal is modified accordingly. The present appeal as well as the cross-objections being XOBJC-35-2021 filed by claimant-respondent No.2 stand disposed off. Pending applications, if any, also stand disposed off.

16.01.2025 **(ALKA SARIN)**
Aman Jain **JUDGE**

NOTE: Whether speaking/non-speaking: Speaking
Whether reportable: Yes/No