



FAO-1068-2001(O&M)

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

**FAO-1068-2001(O&M)
Date of decision:11.02.2025**

Sushma Rani and others

..Appellants

Versus

Karnail Singh and others

..Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Deep Inder Singh Walia, Advocate
Mr. Gursimran Walia, Advocate for the appellants

Mr. Varun Sharma, Advocate for the Insurance Company

ANIL KSHETARPAL, J. (Oral)

1. This is the claimants' appeal against the award passed by the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as 'the Tribunal'), with a prayer to modify the amount of compensation. The Tribunal has awarded the compensation of Rs.5,57,800/- on account of death of Sh.Baldev Singh, on 02.09.1998, although the accident took place on 29.08.1998. Hence, the only issue is with regard to quantum of compensation.

2. Learned counsel representing the appellants does not dispute the correctness of the assessed income or the dependency, however, he submits that the Tribunal has failed to grant appropriate escalation in the income on account of future prospects. He further submits that appropriate amount with respect to loss of consortium, loss of estate have also not been granted.

3. Per contra, learned counsel representing the Insurance Company submits that the appropriate multiplier should be 16 and not 17.



FAO-1068-2001(O&M)

4. This Court has considered the submissions made by the learned counsel representing the parties.

5. In '*National Insurance Company Ltd. vs. Pranay Sethi and other*' 2017 (10) SCC 450, the Supreme Court has held that the income of the deceased should be increased by 40% in case the deceased is below 40 years of age. In this case, Sh.Baldev Singh, deceased was 31 years old, when he lost his precious life. This claim petition has been filed by his widow, three minor children and parents. Each of the claimant shall be entitled to loss of Consortium at the rate of 40% as is held in **Magma General Insurance Company Limited vs. Nanu Ram @ Chuhru Ram and others 2018 (4) RCR(Civil) 333, Smt. Sarla Verma and others vs.Delhi Transport Corporation and another 2009(3) RCR (Civil) 77, New India Assurance Co. Ltd. vs. Somwati and others Civil Appeal No.3093 of 2020, decided on 07.09.2020 and United India Insurance Company Ltd. vs. Satinder Kaur @ Satwinder Kaur and others, (2020) SCC Online 410.**

6. The claimants shall also be entitled to an amount of Rs.15,000/- each for funeral expenses and loss of estate. The amount of compensation is revised as under:-

Heads	Amount awarded by Tribunal	Amount awarded by High Court
Monthly income	4000/-	4000/-
Future prospects	Nil	40% of 4000= 1600/-
Monthly income	4000/-	4000+1600= 5600/-
Dependency	1300/- 4000-1300= 2700	1400/- 5600-1400 = 4200/-
Annual income	2700x12= 32400/-	4200x12= 50400/-
Multiplier	17 32400x17 =5,50,800/-	16 50400x16 = 8,06,400/-
loss of consortium	7000/-	40,000/- each claimant



FAO-1068-2001(O&M)

and funeral expenses		40000x6= 2,40,000/- for loss of consortium and Rs.15,000/- towards funeral expenses
Loss of estate	-	15,000/-
Total compensation	5,57,800/-	10,76,400/-
Difference	10,76,400-5,57,800=5,18,600/-	

7. The claimants shall be entitled to difference in amount of compensation alongwith interest at the rate of 7.5% per annum from the date of filing of the claim petition till its payment.

8. Accordingly, the appeal stands disposed of.

9. All the pending miscellaneous applications, if any, are also disposed of.

(ANIL KSHETARPAL)
JUDGE

11.02.2025

rekha
Whether speaking/reasoned
Whether reportable

Yes/No
Yes/No