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

FAO-635-2009
Date of decision : 07.03.2025

Manpreet Kaur and others **...Appellant**

Vs.

Shiv Narain Sahu and others **...Respondents**

CORAM:- HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Ashish Gupta, Advocate
for the appellant.

Mr.Vinod Gupta, Advocate
for the respondents.

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ANIL KSHETARPAL, J. (Oral)

1. This is the claimants' appeal against the award passed by the Motor Accident Claims Tribunal, Faridkot.

2. In substance, the claimants pray for enhancement from the amount assessed by the Tribunal. There is no dispute with regard to the involvement of the vehicle and the finding of the Tribunal with respect to rash and negligent driving of Sh. Shiv Narain Sahu, who was driving truck No. HR-58-D-3466. The deceased-Sh.Tejinder Singh was aged about 25 years on the date of accident i.e. 26.09.2007.

3. Learned counsel representing the appellants has made the following submissions:-

1. The Tribunal has not granted enhancement on account of increase in the income in future.
2. Multiplier of 16 has been applied, whereas, it should have been 18.
3. No amount has been awarded for loss of estate, funeral

expenses and loss of consortium.

4. The Tribunal has awarded Rs. 6,40,000/- alongwith interest @ 6% per annum.

5. As per the judgment passed by the Five Judge Bench of the Supreme Court in ***'National Insurance Company Ltd. vs. Pranay Sethi and others'*** **2017 (10) SCC 450**, the income of the deceased is required to be scaled up keeping in view the 'Future prospects'.

6. Hence, there is force in the argument of learned counsel representing the appellants with regard to 40% addition. Similarly, keeping in view the age of the deceased, the appropriate multiplier would be 18 and not 16. For loss of estate and funeral expenses, the claimant shall be entitled to Rs.15,000/- each. For loss of consortium, the claimant shall be entitled to Rs.1,20,000/- as the deceased left behind widow, minor son and mother. Hence, the total amount of compensation is re-calculated.

6. Accordingly, the revised compensation is calculated as under:-

Details	**Compensation Awarded by MACT**	**Compensation awarded by High Court**
Income	Annual Rs. 60,000/-	Annual Rs. 60,000/-
Deduction	1/3rd	1/3rd
Income after deduction	Rs. 40,000/-	Rs. 40,000/-
Future prospects	NIL	40%
After addition of future prospects	---	Rs.56,000/-
Multiplier	16	18
After multiplier	Rs. 6,40,000/-	Rs.10,08,000/-
Loss of estate	NIL	Rs.15,000/-
Funeral expenses	NIL	Rs. 15,000/-
Loss of consortium	NIL	Rs.40,000X3= Rs.1,20,000/-
Total compensation	**Rs.6,40,000/-**	**Rs.11,58,000/-**
Interest	**6% per annum from date of petition till its actual realization**	**8% per annum from date of petition till its actual realization.**

7. The enhanced amount shall be payable alongwith interest @ 8% from the date of filing of the claim petition till the payment.

8. With these observations, the appeal is disposed of.

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

(ANIL KSHETARPAL)
JUDGE

07.03.2025
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Whether speaking/reasoned :	Yes	No
Whether Reportable :	Yes	No