



IN THE HI GH COURT OF PUNJAB AND HARYANA AT CHANDIGARH

104-1

FAO-969-2011 (O&M)
Date of Decision : 05.03.2025

Seema Devi and OthersAppellants

VERSUS

Harpal Singh and OthersRespondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

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

Mr. Rajesh Lamba, Advocate for respondent Nos.1 and 2.

Mr. Ram Pal Kohli, Advocate for
Mr. T.K. Joshi, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Fatehabad (hereinafter referred to as the ‘Tribunal) vide award dated 01.11.2010 on account of death of Bahadur Singh (hereinafter referred to as the ‘deceased).
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	Annual income	Rs.42,000/-

2	Deduction – 1/3 rd	[Rs.42,000 – 14,000] = Rs.28,000/-
3	Multiplier of 13	[Rs.28,000 x 13] = Rs.3,64,000/-
4	Funeral expenses	Rs.10,000/-
	Total Compensation	Rs.3,74,000/-
	Interest	9% per annum

4. Learned counsel for the claimant-appellants would contend that the income of the deceased has wrongly been assessed as Rs.42,000/- per annum inasmuch as the minimum wages of an unskilled worker prevailing at the time of the accident were Rs. 3,914/- per month. It is further the contention that in the present case there are five dependents and the Tribunal has applied a deduction of 1/3rd, which ought to have been 1/4th. Further, a multiplier of ‘13’ has wrongly been applied by the Tribunal whereas it ought to have been ‘14’ keeping in view the age of the deceased being 42 years at the time of the accident. It has further been contended that no addition has been made towards loss of future prospects and that no amount has been awarded under the head ‘loss of consortium’. Further, the amount awarded under the conventional heads is also not in accordance with law. In support of his contention, he 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. Chola mandalam M.S General Insurance Company Ltd.** [2021(4) RCR (Civil) 642].

5. *Per contra*, the learned counsel for respondent No.3-Insurance Company has vehemently argued that sufficient amount has already been awarded as compensation in the present case and that there is no scope of any enhancement.

6. Heard.

7. In the present case the Tribunal has assessed the income of the deceased as Rs.42,000/- per annum which in the opinion of this Court is on the lower side inasmuch as at the time of accident the prevailing minimum wages of an unskilled worker were Rs.3,914/- per month and hence, the annual income of the deceased would come to Rs.46,968/- [Rs.3,914 x 12], which is rounded off to Rs.47,000/-. The Tribunal has wrongly applied a multiplier of '13'. Since the deceased in the present case was 42 years of age, hence, keeping in view the law laid down by the Hon'ble Supreme Court in the cases of **Sarla Verma** (supra) and **Pranay Sethi** (supra), a multiplier of '14' would be applicable. Further, the Tribunal has wrongly applied a deduction of $\frac{1}{3}^{\text{rd}}$. Since there were five dependents in the present case, hence, in view of the law laid down in cases of **Sarla Verma** (supra) and **Pranay Sethi** (supra), a deduction of $\frac{1}{4}^{\text{th}}$ would be applicable. Further, no addition was made towards loss of future prospects. Keeping in view the age of the deceased and the law laid down in case of **Pranay Sethi** (supra), an addition of 25% ought to have been made towards loss of future prospects. The amount awarded under the conventional heads is also on the lower side and no amount has been awarded under the head 'loss of consortium' and hence, 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), 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. The claimant-appellants would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of consortium. The interest @ 9% awarded by the Tribunal is maintained.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Annual Income	Rs.47,000/-
2	Deduction – 1/4 th	[Rs.47,000 – 11,750] = Rs.35,250/-
3	Future Prospects - 25%	[Rs.35,250 + 8,812] = Rs.44,062/-
4	Multiplier – 14	[Rs.44,062 x 14] = Rs.6,16,868/-
5	Loss of estate	Rs.18,000/-
6	Funeral expenses	Rs.18,000/-
7	<u>Loss of consortium</u> (i) Spousal (ii) Parental	Rs.48,000/- [Rs.48,000 x 4] = Rs.1,92,000/- (Total Rs.2,40,000/-)
	Total Compensation	Rs.8,92,868/-

9. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 9% per annum from the date of filing of the claim petition till the realization of the entire amount.

10. In view of the above discussion, the award passed by the Tribunal is modified and present appeal stands disposed off accordingly. Pending applications, if any, also stand disposed off.

05.03.2025
jk

(ALKA SARIN)
JUDGE

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