

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****104****FAO-2291-2016 (O&M)****Date of Decision : 16.01.2025**

Mahindro Devi and Others

....Appellants

VERSUS

Rachhpal Sharma and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Gaurav Sethi, Advocate for the appellants.

Mr. Brij Bhushan Sharma, Advocate for
Mr. Deepak Suri, Advocate for respondent No.3.**ALKA SARIN, J. (Oral)****CM-8134-CII-2016**

1. For the reasons stated in the application, the same is allowed.

The delay of 84 days in filing the present appeal is condoned.

FAO-2291-2016 (O&M)

2. Present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Ambala (hereinafter referred to as the 'Tribunal') vide award dated 14.09.2015 on account of death of Gurcharan 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	Monthly income	Rs.8,000/-
2	Deduction 1/4 th	[Rs.8,000 – 2,000] = Rs.6,000/-
3	Annual income	[Rs.6000 x 12] = Rs.72,000/-
4	Multiplier of 13	[Rs.72,000 x 13] = Rs.9,36,000/-
5	Loss of consortium to appellant No.1	Rs.1,00,000/-
6	Funeral expenses	Rs.25,000/-
7	Loss of love, care and affection, care @ Rs.50,000/- each to appellant Nos.2 to 4.	[Rs.50,000 x 3] = Rs.1,50,000/-
	Total Compensation	Rs.12,11,000/-
	Interest	9% per annum

4. The only argument raised by learned counsel for the claimant-appellants is that no addition has been made by the Tribunal towards loss of future prospects. The deceased in the present case was 50 years of age and in view of the law laid down by the Hon’ble Supreme Court in the case of **National Insurance Company Ltd. vs. Pranay Sethi & Ors. [(2017) 16 SCC 680]** an addition of 25% ought to have been made towards loss of future prospects.

5. Learned counsel for respondent No.3-Insurance Company is not in a position to deny that the claimant-appellants would be entitled to an addition of 25% towards loss of future prospects.

6. Heard.

7. Keeping in view the law laid down by the Hon’ble Supreme Court in the case of **Pranay Sethi (supra)**, the claimant-appellants would be

entitled to an amount of Rs.2,34,000/- [Rs.18,000 (25% of Rs.72,000/-) x 13 (multiplier)], which shall also carry an interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the amount. The amount shall be apportioned between the claimants as directed by the Tribunal.

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

16.01.2025
jk

(ALKA SARIN)
JUDGE

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