



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-3449-2016 (O&M)
Date of Decision : 16.01.2025

Geeta Devi (deceased) through LRs & Ors ... Appellant(s)
Versus
Manjeet & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Surinder Gandhi, Advocate for the appellants.

Mr. Neeraj Khanna, Advocate for
Mr. R.N. Singal, Advocate for respondent No.3.

ALKA SARIN, J. (Oral)

1. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Rohtak, vide the impugned award dated 14.10.2015.
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	₹6,000/-
2	Deduction 1/4 th	[₹6,000 – 1,500] = ₹4,500/-
3	Annual income	[₹4,500 x 12] = ₹54,000/-
4	Multiplier of 15	[₹54,000 x 15] = ₹8,10,000/-

5	Funeral expenses	₹25,000/-
6	Love and affection	₹1,00,000/-
7	Total Compensation	₹9,35,000/-
	Interest	7.5% per annum

4. Learned counsel for the claimant-appellants has not laid any challenge to the income, deduction and multiplier as assessed by the Tribunal. However, he has contended that no addition has been made towards future prospects which ought to have been 40% keeping in view the age of the deceased as 37 years. It is further the contention of the learned counsel that the amounts awarded under the conventional heads as well as under the head ‘loss of consortium’ are also not in accordance with the law laid down by the Hon’ble Supreme Court. In support of his contentions, he has relied upon the judgments of the Hon’ble Supreme Court in the cases of **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]**.

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. I have heard the learned counsel for the parties.

7. In the present case, since no challenge has been laid to the income of the deceased as ₹6,000/- per month, deduction of 1/4th and

multiplier of 15 as applied by the Tribunal, hence, the same are maintained.

However, the Tribunal has not awarded future prospects. The deceased, in the present case, was 37 years of age at the time of the accident and, hence, as per the law laid down by the Hon’ble Supreme Court in the case of **Pranay Sethi** (supra), 40% addition is made towards future prospects.

Further, the amounts awarded under the conventional heads and under the head ‘loss of consortium’ are not 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) and, hence, the claimant-appellants would be entitled to ₹18,000/- (₹15,000+20% increase) towards loss of estate and ₹18,000/- (₹15,000+20% increase) towards funeral expenses and the claimant-appellants (widow, three children and father of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹6,000/-
2	Annual Income	₹72,000/- [₹6,000 x 12]
3	Deduction 1/4 th	₹54,000/- [₹72,000 – 18,000]
4	Future Prospects - 40%	₹75,600/- [₹54,000 + 21,600]
5	Multiplier - 15	₹11,34,000/- [₹75,600 x 15]
6	Loss of estate	₹18,000/-
7	Funeral expenses	₹18,000/-
8	Loss of consortium (i) Parental [₹48,000/- x 3] (ii) Filial (iii) Spousal's	₹1,44,000/- ₹48,000/- ₹48,000/- (Total ₹2,40,000/-)
	Total Compensation	₹14,10,000/-

8. The amount in excess of and over and above the amount awarded by the Tribunal shall also attract interest @ 7.5% per annum from the date of filing of the claim petition till the realization of the entire amount. The amount shall be apportioned between the claimants as directed by the Tribunal.

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

16.01.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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