



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-3774-2016 (O&M)

Date of Decision : 24.01.2025

Shandhya Devi & Anr. ... Appellant(s)
Versus
Sanjiv Kumar & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Arshdeep Singh, Advocate for
Mr. TVS Lehal, Advocate for the appellants.

Mr. Ashish Kaushik, Advocate for
Mr. APS Sandhu, Advocate for respondent No.1.

Mr. Raj Kumar, 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, Rupnagar (hereinafter referred to as ‘Tribunal’), vide the impugned award dated 21.01.2016.
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	Annual income	[₹6,000 x 12] = ₹72,000/-

3	Deduction 1/3 rd	[₹72,000 – 24,000] = ₹48,000/-
4	Multiplier of 5	[₹48,000 x 5] = ₹2,40,000/-
5	Funeral expenses	₹25,000/-
6	Loss of consortium	₹25,000/-
7	Love and affection	₹25,000/-
	Total Compensation	₹3,15,000/-
	Interest	9% per annum

4. Learned counsel for the claimant-appellants would contend that the income of the deceased has wrongly been assessed as ₹6,000/- per month inasmuch as the minimum wages of an unskilled worker prevailing at the time of the accident were ₹6,855/-per month. It is further the contention of the learned counsel for the claimant-appellants that though deduction of 1/3rd was rightly applied, however, multiplier ‘5’ has wrongly been applied by the Tribunal, whereas it ought to have been ‘7’ as the deceased was 65 years of age at the time of the accident. The learned counsel for the claimant-appellants would further contend 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 **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. 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, the Tribunal has assessed the income of the deceased as ₹6,000/- per month. However, the minimum wages of an unskilled worker prevailing at the time of the accident which took place on 08.06.2015 were ₹6,855/- per month and, hence, the income of the deceased is assessed as ₹6,855/- per month. There is no challenge to the deduction of $\frac{1}{3}$ rd as applied by the Tribunal, however, multiplier '5' has wrongly been applied inasmuch as the deceased was 65 years of age at the time of accident and as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra), multiplier '7' would be applicable. 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 (wife and son of the deceased) would also be entitled to ₹48,000/- each (₹40,000+20% increase) towards loss of consortium. The rate of interest as awarded by the Tribunal is maintained. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	₹6,855/-
2	Annual Income	₹82,260/- [₹6,855 x 12]
3	Deduction 1/3 rd	₹54,840/- [₹82,260 – 27,420]
4	Multiplier - 7	₹3,83,880/- [₹54,840 x 7]
5	Loss of estate	₹18,000/-
6	Funeral expenses	₹18,000/-
7	Loss of consortium (i) Parental (ii) Spousal's	₹48,000/- ₹48,000/- (Total ₹96,000/-)
	Total Compensation	₹5,15,880/-

8. 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. 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.

24.01.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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