



IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH

FAO-4531-2016 (O&M)

Date of Decision : 08.01.2025

Nafe Singh & Ors ... Appellant(s)
Versus
Rishil Pal & Ors ... Respondent(s)

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Rakesh Dhiman, Advocate for the appellant.
Mr. Vinod Gupta, 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, Gurgaon (hereinafter referred to as ‘Tribunal’) vide the impugned award dated 01.04.2016.
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	Rs.5,000/-
2	Future prospects @ 50%	[Rs.5,000+2,500] = Rs.7,500/-
3	Deduction 1/3 rd	[Rs.7,500-2,500] = Rs.5,000/-
4	Annual income	[Rs.5,000 x 12] = Rs.60,000/-
5	Multiplier of 17	[Rs.60,000x17] = Rs.10,20,000/-
6	Funeral expenses	Rs.25,000/-

7	Loss of consortium	Rs.1,00,000/-
8	Love and affection	Rs.1,00,000/-
9	Total Compensation	Rs.12,45,000/-
10	Interest	7.5% per annum

4. Learned counsel for the claimant-appellants would contend that the income of the deceased has wrongly been assessed as Rs.5,000/- per month as the minimum wage of an unskilled worker prevailing at the time of the accident was Rs.5,639/- per month. It is further the contention of the learned counsel that the deduction of 1/3rd has wrongly been applied by the Tribunal, whereas it ought to have been 1/4th as there were 06 dependents upon the deceased. It is further the contention of the learned counsel that multiplier ‘17’ has also wrongly been applied by the Tribunal, whereas it ought to have been ‘18’ keeping in view the age of the deceased being 24 years at the time of the accident as per post-mortem report (Ex.P6). 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’ is not as per 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 Rs.5,000/- per month, however, the minimum wage of an unskilled worker prevailing at the time of the accident was Rs.5,639/- per month and, hence, the income of the deceased is assessed as Rs.5,639/- per month. The Tribunal has wrongly applied deduction of $\frac{1}{3}^{\text{rd}}$ which ought to have been $\frac{1}{4}^{\text{th}}$ keeping in view the fact that there were 06 dependents upon the deceased. Multiplier '17' has also wrongly been applied by the Tribunal inasmuch as the deceased was 24 years of age at the time of accident as per the post-mortem report (Ex.P6) and, hence, multiplier '18' would be applicable as per the law laid down by the Hon'ble Supreme Court in the case of **Sarla Verma** (supra). 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 claimants 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 and the claimants (parents, widow, brother, sister and daughter of the deceased) would also be entitled to Rs.48,000/- each (Rs.40,000+20% increase) towards loss of

consortium. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	Rs.5,639/-
2	Annual Income	[Rs.5,639x12]=Rs.67,668/-
3	Deduction 1/4 th	[Rs.67,668-16,917]=Rs.50,751/-
4	Future Prospects - 50%	[Rs.50,751+25,376]=Rs.76,127/-
5	Multiplier - 18	[Rs.76,127x18]=Rs.13,70,286/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of consortium (i) Parental (ii) Filial (iii) Spousal's	Rs.48,000/- Rs.1,92,000/- = [Rs.48,000/-x4] Rs.48,000/- (Total Rs.2,88,000/-)
	Total Compensation	Rs.16,94,286/-

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 is modified accordingly. Pending applications, if any, also stand disposed off.

08.01.2025
Yogesh Sharma

(ALKA SARIN)
JUDGE

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