

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH****227****FAO-6044-2015 (O&M)****Date of Decision : 13.01.2025**

Maina Devi and Another

....Appellants

VERSUS

Parveen Kumar and Others

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Maneet Kaushik, Advocate for
Mr. Ashit Malik, Advocate for the appellants.

Mr. Ram Avtar, 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, Kurukshetra (hereinafter referred to as the 'Tribunal') vide award dated 19.05.2015 on account of death of Hukam Chand @ Hukam 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.20,374/-
2	Deduction 1/3 rd	[Rs. 20,374/- - 6791] = Rs.13,583/-

3	Annual income after applying the multiplier of 9	[Rs.13,583 x 12 x 9] = Rs.14,66,964/-
4	Loss of Consortium	[Rs.1,00,000/-
5	Loss of love and affection	Rs.50,000/-
6	Funeral expenses	Rs.25,000/-
7	Cost of transportation	Rs.50,000/-
	Total Compensation	Rs.16,91,964/-
	Interest	9% per annum

4. Learned counsel for the claimant-appellants would contend that the income of the deceased has rightly been assessed and so has the deduction, however, no addition has been made towards loss of future prospects. The Tribunal has rightly applied a multiplier of ‘9’, however, the amounts awarded under the conventional heads and 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 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. Chola mandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**. Learned counsel for the claimant-appellants would further contend that the appeal being FAO-5819-2015 filed by respondent No.3-Insurance Company has already been dismissed vide order dated 08.09.2015.

5. Learned counsel for respondent No.3-Insurance Company would contend that sufficient amount has already been awarded in the

present case and there is no scope of any further enhancement. However, he is not in a position to deny the fact regarding the dismissal of the appeal (FAO-5819-2015) filed by the Insurance Company.

6. Heard.

7. In the present case there is no challenge to the income, deduction and multiplier as applied by the Tribunal. However, the Tribunal has not made any addition towards loss of future prospects. The deceased in the present case was a permanent employee in the Government of Haryana and was 57 years of age at the time of his death. Keeping in view his age, 15% addition would have to be made towards loss of future prospects in view of the law laid down by the Hon'ble Supreme Court in the case of **Pranay Sethi** (*supra*). Further, the amounts awarded under the conventional heads and under the head 'loss of consortium' are not in accordance with 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*). Hence, the claimant-appellants would be entitled to Rs.18,000/- (Rs.15,000+20% increase) each towards loss of estate and funeral expenses. The claimant-appellants and respondent Nos.4 to 6 (married daughters of the deceased) would also be entitled to Rs.48,000/- (Rs.40,000+20% increase) each towards loss of consortium. The amount awarded under the head transportation is maintained. The appeal being FAO-5819-2015 filed by respondent No.3-Insurance Company has already been dismissed vide order dated 08.09.2015.

8. Accordingly, the reworked compensation is as under :

Sr. No.	Heads	Compensation Awarded
1	Monthly Income	Rs.20,374/-
2	Annual Income	[Rs. 20,374 x 12] = Rs.2,44,488/-
3	Deduction – 1/3 rd	[Rs. 2,44,488 – 81,496] = Rs.1,62,992/-
4	Future Prospects - 15%	[Rs. 1,62,992 + 24,449] = Rs.1,87,441/-
5	Multiplier – 9	[Rs. 1,87,441 x 9] = Rs.16,86,969/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	<u>Loss of consortium</u> (i) Spousal (ii) Parental	Rs.48,000/- [Rs.48,000 x 4] = Rs.1,92,000/- Rs.2,40,000/-
9	Transportation	Rs. 50,000/-
	Total	20,12,969/-

9. 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 enhanced amount of compensation shall be apportioned amongst the claimant-appellants as well as respondent Nos.4 to 6 as directed by the Tribunal.

10. 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.

13.01.2025
jk

(ALKA SARIN)
JUDGE

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