

**IN THE HIGH COURT OF PU NJAB AND HARYANA AT CHANDIGARH****267****FAO-1276-2017 (O&M)****Date of Decision : 22.01.2025**

Rajbala

....Appellant

VERSUS

Ashok Kumar and Another

....Respondents

CORAM : HON'BLE MRS. JUSTICE ALKA SARIN

Present : Mr. S.S. Khurana, , Advocate for the appellant.

Mr. Rahul Pathania, Advocate for

Mr. R.C. Kapoor, Advocate for respondent No.2.

ALKA SARIN, J. (Oral)**CM-4029-CII-2017**

1. For the reasons stated in the application, the same is allowed. The delay of 248 days in filing the present appeal is condoned however, the appellants shall not be entitled to interest for the period of delay.

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2. The present appeal has been preferred by the claimant-appellants aggrieved by the quantum of compensation awarded by the Motor Accident Claims Tribunal, Jhajjar (hereinafter referred to as the 'Tribunal') vide the impugned award dated 28.01.2016 on account of death of Harish (hereinafter referred to as the 'deceased').

3. 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.

4. The Tribunal in the present case had awarded the following compensation :

Sr. No.	Heads	Compensation Awarded
1	Monthly income	₹7,000/-
2	Annual Income	[₹7,000 x 12] = ₹84,000/-
3	Deduction – 50%	[₹84,000 – 42,000] = ₹42,000/-
4	Multiplier of 18	[₹42,000 x 18] = ₹7,56,000/-
5	Funeral expenses	Rs.25,000/-
6	Loss of love and affection	Rs.50,000/-
	Total	Rs.8,31,000/-
	Interest	7.5% per annum

5. The only argument raised by learned counsel for the claimant-appellant is that the Tribunal has not made any addition towards loss of future prospects and that the amount awarded under the conventional heads is not in accordance with the law laid down by 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]**, **N. Jayasree & Ors. vs. Chola mandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

6. *Per contra* learned counsel for respondent No.2-Insurance Company would contend that sufficient amount has already been awarded by the Tribunal and there is no scope of any further enhancement.

7. Heard.

8. In the present case, there is no challenge to the income, deduction and multiplier as applied by the Tribunal and hence, the same are

maintained. However, the Tribunal has not made any addition towards loss of future prospects. The deceased in the present case was 23 years of age and hence, in view of the law laid down by Hon’ble Supreme Court in case of **Pranay Sethi** (supra), an addition of 40% ought to have been made towards loss of future prospects. Further, the amount awarded by the Tribunal under the conventional heads is not accordance with the law and needs to be re-worked out and hence, 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), the claimant-appellant 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. The amount of Rs.50,000/- awarded by the Tribunal towards loss of love and affection is maintained. Accordingly, the reworked compensation is as under:

Sr. No.	Heads	Compensation Awarded
1	Monthly income	Rs.7,000/-
2	Annual income	[Rs.7,000 x 12] = Rs.84,000/-
3	Deduction - 50%	[Rs.84,000 – 42,000] = Rs.42,000/-
4	Future prospects @ 40%	[Rs.42,000 + 16,800] = Rs.58,800/-
5	Multiplier of 18	[Rs.58,800 x 18] = Rs.10,58,400/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of love and affection awarded by the Tribunal	Rs.50,000/-
	Total	Rs.11,44,400/-

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. However, the claimant-appellant shall not be entitled to any interest for the period of delay in filing the appeal.

10. 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.

**(ALKA SARIN)
JUDGE**

22.01.2025
jk

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