



IN THE HIGH COURT OF PUN JAB AND HARYANA AT CHANDIGARH

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FAO-7238-2016 (O&M)
Date of Decision : 28.01.2025

Suman and OthersAppellants

VERSUS

Pawan Sharma and OthersRespondents

CORAM : HON’BLE MRS. JUSTICE ALKA SARIN

Present : Mr. Jai Bhagwan Sharma, Advocate for the appellants.

 Mr. Jashan Singh Sekhon, Advocate for
 Mr. Shiv Kumar, Advocate for respondent Nos.1 and 2.

 Mr. Mayank Mathur, Advocate for
 Mr. Ashok Mathur, 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, Faridabad (hereinafter referred to as the ‘Tribunal’) vide the impugned award dated 06.07.2015 on account of death of Mukesh 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	₹15,500/-

2	Deduction 1/4 th	[₹15,500 – 3,875] = ₹11,625/-
3	Annual income	[₹11,625 x 12] = ₹1,39,500/-
4	Multiplier – 16	[₹1,39,500 x 16] = Rs.22,32,000/-
5	Loss of consortium	Rs.1,00,000/-
6	Funeral expenses	Rs.25,000/-
	Total	Rs.23,57,000/-
	Interest	7.5% per annum

4. The only argument raised by learned counsel for the claimant-appellants is that the Tribunal has not made any addition towards loss of future prospects and that the amounts awarded under the conventional heads as well as 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 **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. Cholanandalam M.S General Insurance Company Ltd. [2021(4) RCR (Civil) 642]**.

5. *Per contra* learned counsel for respondent No.3-Insurance Company would contend that sufficient amount has already been awarded by the Tribunal and there is no scope for any further enhancement.

6. Heard.

7. 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 32 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 amounts awarded by the Tribunal under the conventional heads as well as under the head ‘loss of consortium’ are not accordance with the law and need to be re-worked and hence, as per the law laid down by Hon’ble Supreme Court in the cases of **Pranay Sethi** (supra), **Magma General Insurance Company Limited** (supra) and **N. Jayasree** (supra), the claimant-appellants 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 claimant-appellants (wife, children and parents 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.15,500/-
2	Annual income	[Rs.15,500 x 12] = Rs.1,86,000/-
3	Deduction 1/4 th	[Rs.1,86,000 – 46,500] = Rs.1,39,500/-
4	Future prospects @ 40%	[Rs.1,39,500 + 55,800] = Rs.1,95,300/-
5	Multiplier of 16	[Rs.1,95,300 x 16] = Rs.31,24,800/-
6	Loss of estate	Rs.18,000/-
7	Funeral expenses	Rs.18,000/-
8	Loss of consortium (i) Spousal (ii) Parental (iii) Filial	Rs.48,000/- [Rs.48,000 x 3] = Rs.1,44,000/- [Rs.48,000 x 2] = Rs.96,000/- Rs.2,88,000/-
	Total	Rs.34,48,800/-

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-appellants as directed by the Tribunal. However, the claimant-appellants shall not be entitled to any interest for the period of delay in filing the appeal.

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.

28.01.2025
jk

(ALKA SARIN)
JUDGE

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